



The Mysore Gazette.

Vol. 47.]

PUBLISHED BY AUTHORITY.

[No. 2.

BANGALORE, THURSDAY, JANUARY 11, 1912.

PART III.

Legislative Measures and Rules thereunder.

NOTIFICATION.

No. 89—L. C., dated 3rd January 1912.

Under Rule 32 of the Rules for the conduct of business of the Mysore Legislative Council, the following Bill to Regulate the Emigration of Minors and other persons beyond the limits of Mysore for labour, is published for general information together with a Statement of Objects and Reasons.

By Order,

S. HIRIYANNAIAH,
Secretary, Mysore Legislative Council.

The Mysore Emigration Bill.

Whereas it is expedient to regulate the emigration of minors and other persons beyond the limits of Mysore for labour; His Highness the Maharaja is pleased to enact as follows:

1. This Regulation may be called "The Mysore Emigration Regulation." Title and Extent. It extends to the whole of Mysore.

2. Definitions—

(a) "Emigrate and Emigration" denote the departure out of Mysore of a native of Mysore under an agreement to labour for hire in some country beyond the limits of Mysore.

(b) "Emigrant" means any native of Mysore who emigrates or has emigrated, and includes any dependent of an emigrant.

"Dependent." (c) "Dependent" means any of the following persons accompanying an emigrant, namely,

any woman who has not entered into an agreement to emigrate; any child in whose name and on whose behalf any such agreement has not been entered into; and any aged or incapacitated relative or friend;

"Labour."

(d) "Labour" means unskilled labour and does not include domestic personal service;

(e) "Recruiter" includes a head recruiter or other person who collects or receives emigrants recruited by other persons.

3. Emigration to places outside India and Ceylon shall be lawful only to countries to which the Governor-General of India in Council has permitted emigration or to which he has not prohibited emigration from British India under any law in force in British India.

4. (1) In cases in which a license shall be required for recruiting in British Recruitment under a license. India under any law for the time being in force there, no person shall, without such a license granted by a Protector of Emigrants under Section 16 of the Indian Emigration Act (XVII of 1908),—

(a) enter into or attempt to enter into any agreement with any person, purporting to bind him to emigrate, or

(b) in consideration of any hire or reward, induce or attempt to induce any person to leave any place for the purpose of emigrating, or

(c) act or be employed as a recruiter of emigrants.

(2) Every recruiter having such a license shall produce it when called upon to do so by any Magistrate or officer in charge of a Police Station.

5. Any District Magistrate may, after recording reasons therefor, endorse upon such a license that it should not be valid within the limits of his jurisdiction, and thereafter it shall be unlawful for any person to recruit coolies on the strength of such license.

6. A recruiter shall give a true copy in the Kannada language of the terms of the agreement that he is authorised to offer to intending emigrants under the provisions of Section 22(1) of the Indian Emigration Act (XVII of 1908) to every person whom he invites to emigrate, and shall produce the statement for the information of any Magistrate or officer in charge of a Police Station when called upon to do so by the Magistrate or officer.

7. (1) Every recruiter shall provide sufficient and proper accommodation in a suitable place for such intending emigrant or emigrants as may be collected by him pending their removal out of Mysore.

(2) The place where the accommodation is provided shall have a board fixed in some conspicuous position specifying the purpose for which the place is used.

(3) Every District Magistrate or such other Magistrate or Police officer as may be authorised under rules framed by Government shall have, for the supervision and regulation of the places in which accommodation is provided under this section, the same powers as are conferred on a Protector of Emigrants in British India in respect of depots at the port of embarkation under the provisions of the Indian Emigration Act (XVII of 1908).

(4) All recruiters or other persons in charge of these places shall afford every Magistrate or other officer authorised under this section every facility for visiting and inspecting them.

Power of Government to prohibit emigration. 8. Government may, whenever it deems necessary, prohibit altogether emigration to any place outside Mysore, and may withdraw such prohibition.

9. No person below the age of eighteen shall be taken out of Mysore except under a written agreement duly attested in accordance with rules to be framed by Government, entered into with his legal guardian, or where there is no such guardian, under the written permission of the Magistrate of the District from which the minor person intends to emigrate.

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10. No female who is married shall be taken out of Mysore without the consent of her husband (when he does not go with her) Female emigrants. taken in writing and attested under rules framed by Government on this behalf, or without the written permission of a District Magistrate.

Unlawful recruitment. 11. Whoever, except in conformity with the provisions of this Regulation or of any rules framed thereunder,

- (a) makes or attempts to make any agreement with any native of Mysore purporting to bind him to emigrate,
- (b) in consideration of any hire or reward, induces or attempts to induce any native of Mysore to leave any place for the purpose of emigrating, or is employed as a recruiter of emigrants,
- (c) in consideration of any hire or reward, receives into or detains in any place, or, being a recruiter, in any place other than a place in which accommodation has been provided in accordance with this Regulation or rules made under this Regulation, any person with a view to his being registered or despatched as an emigrant,

shall be punishable with a fine which may extend to Rs. 500.

(2) If a person other than a person authorised under Section 4 of this Regulation commits an offence under this section, any Police officer may arrest him without a warrant.

12. A recruiter, who in contravention of Section 6 fails to give a copy of the statement therein referred to, to any person whom he invites to emigrate, or to produce the statement for the information of a Magistrate or Police officer, shall be punishable with fine which may extend to one hundred rupees.

Punishment for failing to give an emigrant a copy of agreement referred to in Section 6 or produce the same before a Magistrate or Police officer. 13. Whoever, by means of intoxication, coercion or fraud, causes or induces, or attempts to cause or induce, any native of Mysore to emigrate, or to enter into an agreement to emigrate or leave any place with a view to emigrating, shall be punished with imprisonment for a term which may extend to one year, or with fine, or with both.

Prohibition of certain persons from acting as recruiters. 14. The Government may prohibit any person who has been once convicted of an offence under this Regulation or the rules framed thereunder or for any offence connected with recruitment of labourers under any other law in force, from acting thereafter as a recruiter of emigrants or doing anything to aid or induce any person to emigrate.

Power for Government to make rules. 15. The Government of His Highness the Maha-raja may, by notification in the official Gazette, make rules consistent with this Regulation,—

- (a) to provide for the supervision and regulation of places of accommodation provided for emigrants;
- (b) to prescribe forms of registers to be kept and returns and information to be supplied by recruiters under this Regulation;
- (c) to provide for the registration and the attestation of agreements entered into with or on behalf of persons intending to emigrate;
- (d) to regulate the discretion of the District Magistrate to give or withhold permission under sections 9 and 10 of the Regulation; and
- (e) generally to provide for the security, well-being and protection of emigrants.

Punishment for breach of rules. 16. The Government of Mysore may, for any breach of such rules not falling within the provisions of this Regulation or any other law in force, provide for a punishment not exceeding a fine of one hundred rupees.

STATEMENT OF OBJECTS AND REASONS.

The Indian Emigration Act does not apply to emigration to Ceylon and the Straits Settlements, which is left free. Emigration has of late been carried on to an appreciable extent from this State to Ceylon under the auspices of an agency styled the Ceylon Labour Commission. There is little or no traffic of this kind with any other country except, perhaps the plantations in the districts of Nilgiris and Malabar in British India and the State of Travancore. The interests of the emigrant coolies are well looked after by proper laws and proper administration both in India and Ceylon, and it is not considered necessary to introduce any elaborate restrictions and regulations in this respect.

Complaints have occasionally been received that recruiters of a low class have induced minors to emigrate from Mysore without the consent of their legal guardians, and that others have been deceived by false representations. Provisions have been inserted in the draft regulation to guard against such malpractices.

There is practically no emigration at present to any country beyond India and Ceylon. Such emigration from the State must necessarily take place through some port or other place in British India, at which it will be subject to the provisions of the Indian Emigration Laws. The British Indian Act protects not only British Indian subjects but also all natives of India, in which term the natives of this State would be included. It is therefore unnecessary to reproduce in our Regulation all the elaborate rules and precautions adopted in the Indian Act. As some of the provisions (such as about licenses, etc., for local recruitment) cannot be brought into operation here unless reproduced in the Regulation, they are inserted with the required modifications in clauses 3, 4, 5 and 6. These provisions, as already indicated, will not apply to recruitment of coolies for labour in British India or Ceylon. They are meant to be used as auxiliary to the administration of the British Act in respect of emigration to other places, and will be brought into actual operation only if hereafter it should be found that emigration to such places takes place on an appreciable scale.

Clause 8 gives power to Government analogous to what has been introduced in British India under the amending Act XIV of 1910.

Clauses 9 and 10, which are meant to safeguard the interests of minors and their guardians and of married women, are applicable to all emigration out of the State. In cases in which there are no guardians, or in which they have abandoned their wards, and also in those in which a married woman may have been deserted by her husband, as it may sometimes be to the interest of such persons to emigrate outside for earning their livelihood, power is given to District Magistrates to permit such emigration.

Clauses 11, 12 and 13 provide penalties for certain offences under the Regulation; and clause 14 empowers Government to prohibit any one from carrying on the business of recruiting, if he has been convicted of certain offences.

Clause 15 gives the power to Government to make rules under the Regulation, and clause 16 gives power to attach a penalty to the breach of any such rules.



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[No. 5.

BANGALORE, THURSDAY, FEBRUARY 1, 1912.

PART III.

Legislative Measures and Rules thereunder.

NOTIFICATION.

No. 113—L. C., dated 31st January 1912.

A meeting of the Mysore Legislative Council will be held in the Public Offices Buildings, Bangalore, on Wednesday, the 21st February 1912 at 12 noon.

By Order,

S. HIRIYANNAIYA,
Secretary, Mysore Legislative Council.



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[No. 10.

BANGALORE, THURSDAY, MARCH 7, 1912.

PART III.

Legislative Measures and Rules thereunder.

NOTIFICATION.

No. 150—L. C., dated 1st March 1912.

Under Rule 31 of the Rules for the conduct of business of the Mysore Legislative Council, the accompanying Bill further to amend the Mysore Municipal Regulation, 1906, is published for general information with a Statement of Objects and Reasons.

By Order,
S. HIRIYANNAIYA,
Secretary, Mysore Legislative Council.

A Bill to further amend the Mysore Municipal Regulation, 1906.

WHEREAS it is expedient to further amend the Mysore Municipal Regulation, VII of 1906; His Highness the Maharaja is pleased
Preamble. to enact as follows:—

Insertion of a new section after
Section 53.

The following new section shall be inserted after
Section 53, namely:—

“53A. A Municipal Council may, in pursuance of a resolution passed at a special general meeting and with the previous sanction of Government and subject to such conditions as may be prescribed by Government as to security, the rate of interest and the repayment of principal and interest, borrow, either from Government or from private persons, any sum of money required for constructing any work of a permanent nature which it is required or empowered to undertake under the provisions of this Regulation.”

STATEMENT OF OBJECTS AND REASONS.

The old Municipal Regulation of 1871, as applied to the cities of Bangalore and Mysore, contained a provision, Section 91, enabling Municipalities to raise loans for works of a permanent nature either from Government or in the open market. But this provision was omitted from the Municipal Regulation, VII of 1906, now in force, which is based on the Bombay District Municipalities Act. The defect has been supplied in Bombay by the enactment of Local Authorities Loans Acts of 1879 and 1897. As there are no corresponding Regulations enacted for this State, the Municipal Councils will be unable to raise a loan when occasion may arise. It has therefore been considered desirable to amend the existing Municipal Regulation in terms of clause (1) of Section 91 of the old Municipal Regulation with suitable modifications. A new section as Section 53A is accordingly proposed to be inserted.

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[No. 12.

BANGALORE, THURSDAY, MARCH 21, 1912.

PART III.

Legislative Measures and Rules thereunder.

REGULATION No. I OF 1912.

(RECEIVED THE ASSENT OF HIS HIGHNESS THE MAHARAJA ON THE
8TH DAY OF MARCH 1912.)

A Regulation for the Protection of Judicial Officers.

WHEREAS it is considered expedient to provide for the greater protection of Judges, Magistrates and others acting judicially; His Highness the Maharaja is pleased to enact as follows:

Preamble.
Non-liability to suit of officers acting judicially for official acts done in good faith and of officers executing warrants and orders.

1. No Judge, Magistrate, Deputy Commissioner or other person acting judicially shall be liable to be sued in any Civil Court for any act done or ordered to be done by him in the discharge of his judicial duty, whether or not within the limits of his jurisdiction.

Provided that he, at the time, in good faith, believed himself to have jurisdiction to do or order the act complained of.

And no officer of any Court or other person bound to execute the lawful warrants or orders of any such Judge, Magistrate, Deputy Commissioner or other person acting judicially shall be liable to be sued in any Civil Court, for the execution of any warrant or order, which he would be bound to execute, if within the jurisdiction of the person issuing the same.

2. Section 152A of the Code of Civil Procedure, 1911, shall be repealed.

Witnessed and signed by S. T. ANANDA ROW,
Deewan.

REGULATION NO. II OF 1912.

(RECEIVED THE ASSENT OF HIS HIGHNESS THE MAHARAJA ON THE
8TH DAY OF MARCH 1912.)

**A Regulation further to amend the Mysore Court Fees
Regulation, 1900.**

Whereas it is expedient further to amend the Mysore Court Fees Regulation, 1900; His Highness the Maharaja is pleased to enact as follows:

Amendment of Section 4, sub-clause (b) of clause A under sub-head V, namely—

(b) "Where the land forms an entire estate, or a definite share of an estate, paying annual revenue to Government or to the holder or holders of an alienated village to which the provisions of Chapters VIII and IX of the Land Revenue Code have been extended, or forms part of such estate and is recorded as aforesaid, and such revenue is settled, but not permanently, five times the revenue so payable;

T. ANANDA ROW, *Dewan.*

REGULATION No. III OF 1912.

(RECEIVED THE ASSENT OF HIS HIGHNESS THE MAHARAJA ON THE
8TH DAY OF MARCH 1912.)

**A Regulation to amend the Indian Evidence Act as in force
in Mysore.**

Whereas it is expedient to amend the Indian Evidence Act as in force in Mysore with respect to the accounts and other documents relating to the affairs of the Palace and maintained by the Officer in charge of the Palace Establishments of His Highness the Maharaja of Mysore; His Highness the Maharaja is pleased to enact as follows:—

1. The following section shall be inserted after Section 77 of the Indian Evidence Act (I of 1872) as in force in Mysore, viz.—

"77 A. (1) The provisions of Sections 76 and 77 shall be applicable to all accounts and other documents (except such as may be held to fall under the exception provided in Section 123 A) in the custody of the Officer in charge of the Palace Establishments, Mysore, relating to the affairs of the Palace Department.

(2) In giving copies of entries of any books of account, the Officer in charge of the Palace Establishments, Mysore, shall, if required by the Judge of a Court in relation to a suit or other proceeding pending before such Court, add a further certificate that the copy contains a true extract of all the entries in the account books of the Palace, and that no other entries are to be found therein, relevant to the matters in issue in such suit or proceeding."

2. The following shall be inserted under Section 123 of the said Act, viz.—

"123 A. (1) When any party to a suit or other judicial proceeding calls for the production of accounts or other documents in the custody of the Officer in charge of the Palace Establishments, Mysore, or applies to him for certified copies thereof under the provisions of Section 76 of this Act, the said officer may, if he considers that it is inexpedient to produce such documents in Court or to give certified copies thereof, by endorsement in writing, refuse to do so.

(2) Whenever the Officer in charge of the Palace Establishments, Mysore, has declined to produce or give certified copies of all the documents required by both parties to a suit or other proceeding, the other documents produced by him or certified copies of other documents of which he has furnished certified copies, shall not be admitted in evidence against any of the parties who objects to their being so admitted.

(3) The provisions of sub-section (1) of this section shall not apply to a suit or other proceeding to which the Officer in charge of the Palace Establishments, Mysore, is, in his official capacity, himself a party."

T. ANANDA ROW,
Dewan.

NOTIFICATION.

No. F. 3913--S. R. 196-10-5, dated 16th March 1912.

In exercise of the powers conferred by Section 5 of the Opium Act, I of 1878, the Government of Mysore are pleased to make the following changes in the Opium Rules published under Notification No. 8198—Ex. F. 21-97, dated 19th May 1900, and amended by Notification No. 1243—Ex. F. 21-97, dated 24th July 1901:—

- (i) In rule III (i) (a), line 2, for "three" substitute "one."
Do line 3, for "three" substitute "one."

By Order,

C. S. BALASUNDARAM IYER,
*Officiating Secretary to Government,
General and Revenue Departments.*



The Mysore Gazette.

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BANGALORE, THURSDAY, MARCH 28, 1912.

PART III.

Legislative Measures and Rules thereunder.

REGULATION NO. IV OF 1912.

(RECEIVED THE ASSENT OF HIS HIGHNESS THE MAHARAJA ON THE
7TH DAY OF MARCH 1912.)

A Regulation further to amend the Indian Contract Act as in force in Mysore.

Whereas it is expedient further to amend the Indian Contract Act as in force in Mysore; His Highness the Maharaja is pleased to enact as follows:

Short title, extent, commencement, and application. 1. (1) This Regulation may be called "The Indian Contract Act Amendment Regulation, 1912."

(2) It shall extend to the whole of Mysore.

(3) It shall come into force on the 1st day of April 1912.

(4) It shall apply to every contract in respect of which any suit is instituted or which is put in issue in any suit instituted after the commencement of this Regulation.

Substitution of a new section for Section 16 of the Indian Contract Act, 1872.

2. Section 16 of the Indian Contract Act, 1872, shall be repealed and the following substituted therefor, namely:

"16 (1) A contract is said to be induced by "undue influence" where the relations subsisting between the parties are such that one of the parties is in a position to dominate the will of the other and uses that position to obtain an unfair advantage over the other.

(2) In particular and without prejudice to the generality of the foregoing principle, a person is deemed to be in a position to dominate the will of another—

(a) Where he holds a real or apparent authority over the other, or where he stands in a fiduciary relation to the other; or

(b) Where he makes a contract with a person whose mental capacity is temporarily or permanently affected by reason of age, illness, or mental or bodily distress.

(3) Where a person who is in a position to dominate the will of another, enters into a contract with him, and the transaction appears, on the face of it or on the evidence adduced, to be unconscionable, the burden of proving that such contract was not induced by undue influence shall lie upon the person in a position to dominate the will of the other.

Nothing in this sub-section shall affect the provisions of Section 111 of the Indian Evidence Act, 1872, as applied to Mysore.

Illustrations.

(a) A having advanced money to his son B, during his minority, upon B's coming of age obtains by misuse of parental influence, a bond from B for a greater amount than the sum due in respect of the advance. A employs undue influence.

(b) A, a man enfeebled by disease or age, is induced, by B's influence over him as his medical attendant, to agree to pay B an unreasonable sum for his professional services. B employs undue influence.

(c) A being in debt to B, the money-lender of his village, contracts a fresh loan on terms which appear to be unconscionable. It lies on B to prove that the contract was not induced by undue influence.

(d) A applies to a banker for a loan at a time when there is stringency in the money market. The banker declines to make the loan except at an unusually high rate of interest. A accepts the loan on these terms. This is a transaction in the ordinary course of business, and the contract is not induced by undue influence."

Amendment of Section 19 and addition of a new section after that section.

19A. In Section 19 of the said Act, the words "undue influence" shall be repealed and after the same section, the following new section shall be inserted, namely:

Power to set aside contract induced by undue influence. 19A. When consent to an agreement is caused by undue influence, the agreement is a contract voidable at the option of the party whose consent was so caused.

Any such contract may be set aside either absolutely or, if the party, who was entitled to avoid it has received any benefit thereunder, upon such terms and conditions as to the Court may seem just.

Illustrations.

(a) A's son has forged B's name to a promissory note. B, under threat of prosecuting A's son, obtains a bond from A for the amount of the forged note. If B sues on this bond, the Court may set the bond aside.

(b) A, a money-lender, advances Rs. 100 to B, an agriculturist and, by undue influence, induces B to execute a bond for Rs. 200 with interest at 6 per cent per month. The Court may set the bond aside, ordering B to repay the Rs. 100 with such interest as may seem just."

Amendment of sub-section (1) of Section 25 of the Indian Contract Act, 1872.

Amendment of para 1 of Section 43 of the Indian Contract Act, 1872.

Amendment of illustration (e) to Section 63 of the Indian Contract Act, 1872.

4. The word "documents" shall be substituted for the word "assurances" occurring in sub-section (1) of Section 25 of the said Act.

5. The words "one or more" shall be substituted for the word "one" in para 1 of Section 43 of the said Act.

6. The word "composition" shall be substituted for the word "compensation" occurring in the illustration (e) to Section 63 of the said Act.

Amendment of Section 74 of
Indian Contract Act, 1872.

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7. (1) Paragraph 1 of Section 74 of the said Act shall be repealed and the following substituted therefor, namely :—

"74. When a contract has been broken, if a sum is named in the contract as the amount to be paid in case of such breach, or if the contract contains any other stipulation by way of penalty, the party complaining of the breach is entitled, whether or not actual damage or loss is proved to have been caused thereby, to receive from the party who has broken the contract reasonable compensation not exceeding the amount so named or, as the case may be, the penalty stipulated for."

Explanation.—A stipulation for increased interest from the date of default may be a stipulation by way of penalty."

(2) The following illustrations shall be added after illustration (c) to the said section, namely :—

"(d) A gives B a bond for the repayment of Rs. 1,000 with interest at 12 per cent at the end of six months, with a stipulation that, in case of default, interest shall be payable at the rate of 75 per cent from the date of default. This is a stipulation by way of penalty and B is only entitled to recover from A such compensation as the Court considers reasonable.

(e) A, who owes money to B, a money-lender, undertakes to repay him by delivering to him ten maunds of grain on a certain date and stipulates that, in the event of his not delivering the stipulated amount by the stipulated date, he shall be liable to deliver twenty maunds. This is a stipulation by way of penalty and B is only entitled to reasonable compensation in case of breach.

(f) A undertakes to repay B a loan of Rs. 1,000 by five equal monthly instalments with a stipulation that, in default of payment of any instalment, the whole shall become due. This stipulation is not by way of penalty, and the contract may be enforced according to its terms.

(g) A borrows Rs. 100 from B and gives him a bond for Rs. 200 payable by five yearly instalments of Rs. 40, with a stipulation that, in default of payment of any instalment, the whole shall become due. This is a stipulation by way of penalty."

T. ANANDA ROW,
Dewan.



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BANGALORE, THURSDAY, APRIL 4, 1912.

PART III.

Legislative Measures and Rules thereunder.

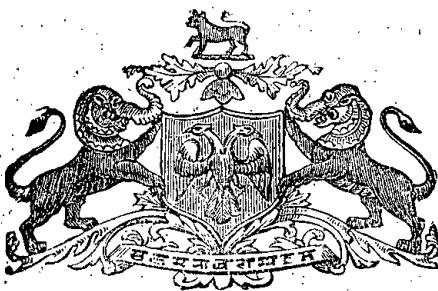
NOTIFICATION.

No. Fl. 3913—S. R. 196-10-5, dated 16th March 1912.

In exercise of the powers conferred by Section 5 of the Opium Act, I of 1878, the Government of Mysore are pleased to make the following changes in the Opium Rules published under Notification No. 8198—Ex. F. 21-97, dated 19th May 1900, and amended by Notification No. 1243—Ex. F. 21-97, dated 24th July 1901:—

- (i) In rule III (i) (a), line 2, for "three" substitute "one."
Do line 3, for "three" substitute "one."

By Order,
C. S. BALASUNDARAM IYER,
Officiating Secretary to Government, General
and Revenue Departments.



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[No. 15.

BANGALORE, THURSDAY, APRIL 11, 1912.

PART III.

Legislative Measures and Rules thereunder.

NOTIFICATION.

No. Fl. 3913—S. R. 196-10-5, dated 16th March 1912.

In exercise of the powers conferred by Section 5 of the Opium Act, I of 1878, the Government of Mysore are pleased to make the following changes in the Opium Rules published under Notification No. 8198—Ex. F. 21-97, dated 19th May 1900, and amended by Notification No. 1243—Ex. F. 21-97, dated 24th July 1901:—

(i) In rule III (i) (a), line 2, for "three" substitute "one."

Do line 3, for "three" substitute "one."

By Order,

C. S. BALASUNDARAM IYER,
Officiating Secretary to Government, General
and Revenue Departments.

16

Notification No. 169—L. C., dated Bangalore, the 8th April 1912.

Under Rule 40 of the Rules for the conduct of business of the Mysore Legislative Council, the following report of the Select Committee on the Village Courts Bill is published for general information with the Bill as amended by the Committee.

By Order,

S. HIRIYANNAIYA,

Secretary, Mysore Legislative Council.

REPORT OF THE SELECT COMMITTEE ON THE VILLAGE COURTS BILL.

We, the members of the Select Committee appointed to consider the Bill for the establishment of Village Courts in Mysore, have the honor to submit the following report to the Council:—

We have gone through the Bill carefully and recommend the following alterations.

Definitions.—The definitions of the expressions ‘Village Court’ and ‘Village Munsiff’ seem to us to be unnecessary and may only lead to confusion as they are hardly logical as they are worded. Clause 3 of the Bill describes clearly the meaning that has to be attached to both these expressions.

Clause 6.—The proviso contained in sub-clause 2 of this clause regarding certain disqualifications to serve as a member of a Bench of a Village Court applies as it now stands only in the case of nominations made under the circumstances narrated in this sub-clause. But the proviso is equally necessary in the case of nominations made in circumstances referred to in sub-clause (3). We, therefore, recommend that the proviso in sub-clause (2) be omitted and a new proviso in the following terms be inserted at the bottom of sub-clause (3) so as to apply to all nominations made under this section:—

“Provided that the person nominated under this section shall not be the servant, dependant, relative or tenant of the party on whose behalf he is nominated, or shall not be personally interested in the result of the suit.”

Clause 10.—In sub-clause (4) of this clause, the words “Government or” may be omitted on the analogy of similar provisions made in the Civil Procedure Code. It is hardly likely that Government will have any occasion to sue as a plaintiff in a Village Court.

Clause 14.—This clause requires that suits to which the Village Munsiff is a party or in which he is personally interested may be instituted in the Court of the Village Munsiff of an adjoining village. As the Bill does not contemplate the immediate establishment of Village Courts in all the villages in the State and as on this account there may be no Village Court in an adjoining village, we consider it desirable that suits referred to therein should be tried in the Court of the Munsiff having jurisdiction over the matter in dispute.

Clause 22.—This clause may be better recast as follows:—

“No agent except a relative or servant empowered by a written instrument shall be allowed to appear on behalf of any party to a suit in a Village Court, provided that in all cases a Village Court shall be competent to order the personal appearance of any party.”

Clause 26.—This clause may be shortened by the omission of para 3 and the addition of the words “at least two clear days before the day of the hearing” after “served” in para 1.

Clauses 30 and 31.—The period of limitation of thirty days provided for in these cases need not be mentioned here as due provision has been made for cases arising under both these clauses in Articles 163 and 164 of the first schedule to the Mysore Limitation Regulation.

Clause 38.—In this clause it is provided that summonses to witnesses residing within five miles beyond the jurisdiction of a Village Court are to be served through the Village Munsiff within whose jurisdiction they reside; or if for such village

there is no Village Court, through the Court of the Munsiff within whose jurisdiction they reside. We think that the latter provision requires a slight change. We consider it unnecessary that where there is no Village Court the summons to witnesses should be sent for service to the Court of the Munsiff which may happen to be situated at a considerable distance from the village. It would be convenient and contribute to speedy disposal of work if such summonses are served through the Patel of the village in which the witness resides.

If the witness should happen to reside more than five miles beyond the jurisdiction of the Court, he has to be examined on written interrogatories by the Munsiff having jurisdiction over the village in which he usually resides. To provide for cases where the Court of a Munsiff may be too far away, we recommend that Amildars or Deputy Amildars of taluks may be empowered similarly to examine witnesses. The clause may therefore be recast as follows:—

"Any witness residing within the jurisdiction of the Village Court may be summoned verbally or in writing. Any witness residing within five miles beyond the Court's jurisdiction may be summoned in writing, and such summons shall be served through the Village Munsiff within whose jurisdiction he resides, or, if for such place there is no Village Court, through the Patel of the village in which the witness resides. If any witness resides more than five miles beyond the jurisdiction, the Court may call on the parties to frame written interrogatories and shall forward such interrogatories with a letter to the Village Munsiff, or, if there is no Village Court for such place, to the Amildar or Deputy Amildar within whose jurisdiction the witness resides, and such Village Munsiff or Amildar or Deputy Amildar shall forthwith summon and examine the witness upon the interrogatories, and shall return his answers to the Court in which the suit is pending."

Clause 41.—It seems to be necessary to specifically provide here that witnesses should be examined in open Court.

Clause 50.—The provisions of this clause have been brought into line with those of Section 60 of the new Code of Civil Procedure, and the benefit of exemption from attachment has been extended as in that code to the cases mentioned in provisos (o), (p) and (q) of that section.

Clause 66.—This clause lays down that no decree shall be passed against the legal representative of a deceased defendant beyond the value of the assets derived from him and not duly accounted for; but we think it would be more correct to say, not that no decree should be passed but that the legal representative shall not be *answerable for any decree* that may be passed beyond the value of any property derived from him and not duly accounted for. The important point is that the decree should not be executed against the defendant beyond the assets received by him.

Clause 73.—As the power of appointment and dismissal of Village Munsiffs is vested in the Deputy Commissioner, we think it proper that the power to inspect the records of a Village Court should be conferred on the Deputy Commissioner also. We have changed this clause accordingly.

We have added two new clauses of some importance, *viz.*, clauses 8 and 75. The first provides for a seal being given to a Village Court for stamping summonses, decrees and copies of documents issued by it with a view to prevent fabrication of such documents, on the analogy of the provisions contained in the Civil Courts Regulation.

Clause 75 exempts plaints, petitions, and vakalatnamas presented under this Regulation from the payment of court fees. In Madras, only plaints are exempted, but we propose to extend the concession to vakalatnamas and petitions also.

The other changes made in the Bill are of a verbal character and call for no explanation.

In conclusion we recommend that the Bill as amended by us be passed by the Council.

BANGALORE,

7th February 1912.

H. V. Nanjundayya.
K. S. Doraswamy Iyer.
M. Narain Rao.
Syed Amir Hassan.

Mr. M. C. Rangiengar, who was also a member of the Select Committee, was unable to be present at the meeting.

A Bill for the establishment of Village Courts in Mysore.

(As amended by the Select Committee.)

[The portions in square brackets are those omitted and those in italics newly added by the Committee.]

Whereas it is expedient to provide for the establishment of Village Courts in Mysore; His Highness the Maharaja, is pleased to Preamble. enact as follows:—

CHAPTER I.

Preliminary.

- Title, commencement and Local extent.** 1. (1) This Regulation may be called "The Mysore Village Courts Regulation, 1912."
- (2) It shall come into force on the first day of April, 1912.
- (3) It shall extend to such village or villages in Mysore as may, from time to time, be notified by Government in the Official Gazette.

Interpretation Clause. 2. In this Regulation, unless there is something repugnant in the subject or context,—

"Village" means a local area recognized by Government from time to time as a village for purposes of collecting the land revenue and includes any area for which a Village Court may be established under this Regulation.

[“Village Munsiff.”] [“Village Munsiff” means the Judge of the Court of a Village Munsiff established under this Regulation.]

[“Village Court.”] [“Village Court” shall include a Bench constituted under Section 6.]

"District Judge" or "Munsiff" means the District Judge or Munsiff appointed under the Mysore Civil Courts Regulation, I of 1883, "District Judge" and "Munsiff" within the local limits of whose jurisdiction the Village Court is situate..

CHAPTER II.

Establishment and constitution of Village Courts.

Establishment of Village Courts. 3. The Government may, from time to time, by notification published in the Official Gazette,—

- (1) establish a Village Court for any village or specified area;
- (2) group two or more villages and establish a Village Court for them;
- (3) constitute divisions in any village and establish a separate Village Court for each of such divisions.

A Village Court established under this Regulation shall be held before a Village Munsiff appointed, or a Bench of more than one Judge constituted, as hereinafter provided.

Appointment of Village Munsiffs. 4. Village Munsiffs shall be appointed by the Deputy Commissioner of the District subject to such rules as the Government may, from time to time, prescribe; provided that no person not residing within the village shall be eligible for that office.

5. The Deputy Commissioner of the District may suspend or remove a Village Munsiff for incapacity, neglect of duty, misconduct, or other just and sufficient cause, and shall do so, on a requisition made by the District Judge for like cause appearing in the judicial proceedings of a Village Munsiff.

From every order suspending or removing a Village Munsiff, an appeal may be preferred within three months to the Revenue Commissioner if the order was passed by the Deputy Commissioner without [the orders] *a requisition* from the District Judge, or to the Chief Court, if passed upon such [orders] *requisition*. The decision of the Revenue Commissioner or the Chief Court, as the case may be, on all such appeals shall be final.

6. (1) For every village in respect of which a Village Court is constituted, Provisions concerning Benches. and subject to any rules which the Government may make on this behalf, the Deputy Commissioner shall prepare and maintain a list of persons residing in the village and qualified to sit as members of a Bench for the trial of suits brought under this Regulation. Such list shall also be hung up in the Court-house of the Village Munsiff.

List of persons qualified to serve as members of a Bench. (2) In any suit which may be instituted before a Village Court under this Regulation, the plaintiff in his plaint or the defendant in his answer may claim that the suit shall, instead of being tried by the Village Munsiff, be tried by a Bench of three Judges, and nominate as a member of such Bench any person named in the list mentioned in clause (1). [provided that such person is not his servant, dependant, relative or tenant, or personally interested in the result of the suit.]

(3) When the plaintiff has nominated such a person in his plaint, the defendant shall, by the summons, be requested to nominate one also. When the defendant has demanded a Bench and nominated such a person, the plaintiff shall be required to nominate one also: When any person nominated to serve on a Bench declines or is unable to act, the party who nominated him shall be required to make a fresh nomination.

If a requisition under this clause has not been complied with within two clear days after it is made, the Village Munsiff shall himself select from the list a person to serve on the Bench on behalf of the party so making default.

Provided that the person nominated under this section shall not be the servant, dependant, relative or tenant of the party on whose behalf he is nominated, or shall not be personally interested in the result of the suit.

(4) The Village Munsiff shall summon the two persons nominated or selected Member of Bench to be summoned by Village Munsiff. as aforesaid to sit together with himself for the trial of the suit.

(5) The Village Munsiff shall be the President of such Bench and shall regulate the procedure and issue all summonses, notices and the like in his own name, but the decree shall run in the name of all the three members of the Bench. If the members of the Bench cannot agree, the opinion of the majority shall prevail.

(6) No person summoned under this section to serve on a Bench shall be bound to sit for more than three days in a month; provided that every such person shall be bound to attend the trial of any case which has been commenced before him until its completion.

(7) Whoever, being duly summoned under this section to serve on a Bench, declines or omits to do so, without reasonable excuse, shall, on conviction before a Magistrate, be liable to a fine not exceeding Rs. 20.

7. The Village Munsiff shall keep a register of suits filed in the Village Court and shall write the proceedings of the Court, and may, if necessary, employ any person in the village to assist him in keeping the register and in writing the proceedings.

8. Every Village Court shall use a seal with the name of the Court inscribed in Kannada characters and shall use it for stamping summonses, decrees and copies of documents issued by it.

[8.] 9. It shall be the duty of the village servant, usually employed in the service of summons, etc., for carrying messages, to serve all summonses, notices and orders issued under this Regulation and to act under the orders of the Village Munsiff in seizing, delivering and selling movable properties attached under this Regulation.

[9.] 10. The Deputy Commissioner of the district may, with the previous sanction of Government, appoint any other person to perform the duties prescribed by sections 7 and [8] and [9].

CHAPTER III.

Jurisdiction, Res Judicata and Limitation.

Cognizance of suits by Village Courts. [10.] 11. The following are the suits which shall be cognizable by Village Courts, namely:

Claim, based on contract, for money due, or claims for [personal] movable property, or for the value of such property, when the debt or demand does not exceed in amount or value the sum of rupees twenty, whether on balance of account or otherwise.

Provided that no action shall be brought in any Proviso. such Court.—

- (1) on a balance of partnership account unless the balance shall have been struck by the parties or their agents;
- (2) for a share or part of a share under an intestacy, or for a legacy, or part of a legacy under a will;
- (3) for the rent for land unless such rent is due upon a written contract signed by the defendant;
- (4) by or against [Government or] public officers in their official capacity;
- (5) by and against minors or persons of unsound mind.

[11.] 12. With the written consent of both parties executed before the Court, a Village Court may hear and determine suits of the jurisdiction with consent, the nature described in section [10] 11, the amount or value of which shall not exceed Rs. 200.

[12.] 13. No suit cognisable by the Village Munsiff under this Regulation shall be entertained, heard or determined in any other Court having jurisdiction within the local limits of the jurisdiction of such Village Munsiff's Court.

Provided that all such cases pending in any Court at the time this Regulation comes into force shall be heard and determined by such Court; and decrees passed in suits, which shall not have been executed prior to such time, shall be executed by such Courts.

[13.] 14. Subject to the provisions contained in section [14] 15, every suit brought under this Regulation shall be instituted in the Court in which suits to be instituted. the Court of the Village Munsiff within the local limits of whose jurisdiction all the defendants at the time of the commencement of the suit reside or carry on business or personally work for gain.

[14.] 15. No Village Munsiff shall try any suit to which he is a party, or in which he is personally interested, or shall adjudicate upon any proceeding connected with or arising out of such suit. Every such suit or proceeding may be instituted in the Court of the Munsiff [of any village immediately adjoining] having jurisdiction.

[15.] 16. No Village Court shall try [any suit brought on a cause of action which has been heard and determined by a Court of competent jurisdiction, in a former suit, between the same parties, or those under whom they claim.

[16.] 17. Every suit instituted in a Village Court shall include the whole of the claim which the plaintiff is entitled to make in respect of the cause of action, but he may relinquish any portion of his claim in order to bring the suit within the jurisdiction of such Court.

If a plaintiff omits to sue in respect of, or intentionally relinquishes, any portion of his claim, he shall be precluded from bringing a fresh suit for, or in respect of, the portion so omitted or relinquished.

[17.] 18. If in the decision of a suit cognisable by a Village Court under sections [10] 11 and [13] 14 it becomes necessary to decide incidentally any matter in dispute between the parties to the suit concerning title to immovable property, or the legal character of either of them, or

of those under whom they claim, or the existence of any contract or obligation, which, if it had been the immediate subject matter of the suit, would not be cognisable under this Regulation by a Village Court, it shall be competent to the Village Court to decide such question of title, legal character, contract or obligation as far as may be necessary for the determination of such suit, but such decision shall not be evidence of such title, legal character, contract or obligation in any other action, though between the same parties or their representatives.

[18.] 19. The provisions of the Mysore Limitation Regulation shall apply to suits and applications under this Regulation.

Provided that no suit or application shall be entertained by a Village Court after the expiration of three years from the time when the right to sue or make the application first accrued.

[19.] 20. The Munsiff may, on the application of any of the parties, withdraw, for just and sufficient cause, any suit from a Village Court and try the suit himself, as if it had been instituted in his Court, or transfer it for trial to any other Village Court within the local limits of his jurisdiction.

Provided that any party applying to have a suit withdrawn from a Village Court and tried by the Munsiff shall, before any such order of transfer is made, pay the amount of the fees payable under the Mysore Court Fees Regulation, 1900, in respect thereof.

CHAPTER IV.

Of the Institution and Frame of Suits, Recognized Agents, the Issue and Service of Summons on Parties, Adjournment and Consequences of Non-appearance.

[20.] 21. Every suit under this Regulation shall be instituted by presenting a plaint to the Village Munsiff together with as many copies thereof as there are defendants. One copy shall be delivered or affixed as hereinafter provided together with the copy of the summons.

[21.] 22. The plaint shall be written in Kannada and signed by the plaintiff or in his absence by an agent duly authorised by him, and it shall contain the following particulars,—

- (a) the name, description and residence of the plaintiff and defendant;
- (b) A concise statement of the cause of action and when it arose;
- (c) The relief prayed for and the total amount or value of the claim.

[22.] [No advocate or pleader shall as such be permitted to appear on behalf of any party to a suit before a Village Court, but any party to any such suit may appoint by vakalatnama any relative, servant, friend or dependant to appear and plead for him. It shall, however, be competent to the Village Munsiff whenever he thinks it necessary for

[the ends of justice, to order the personal attendance of any of the parties to the suit; and if the party so ordered does not attend in person, he shall be subject to the same consequences as if he did not appear either in person or by an agent.]

23. No agent except a relative or servant empowered by a written instrument shall be allowed to appear on behalf of any party to a suit in a Village Court; provided that in all cases, a Village Court shall be competent to order the personal appearance of any party.

[23.] 24. When the plaint has been duly presented, the Village Munsiff Registry of plaint and issue of shall cause it to be registered and shall, by a summons in writing, require the defendant to appear and answer summons.

The summons shall be accompanied by a copy of the plaint and shall require the defendant to bring his witnesses, if any, on the date fixed for hearing, the plaintiff being likewise directed to appear on that date with his witnesses.

The summons shall be served on the defendant personally and a copy thereof delivered to him.

[24.] 25. If the Village Munsiff is satisfied that the defendant is evading service of the summons, the Village Munsiff may order that it be served upon, and a copy thereof delivered to, an adult male member of the family of the defendant residing with him, or that a copy thereof be affixed upon some conspicuous part of the house in which he generally resides and another copy to the court-house of the Village Munsiff.

[25.] 26. Whenever it may be necessary to serve the summons upon a defendant beyond the local jurisdiction of the Village Court, it shall be forwarded to the Munsiff, who shall cause it to be served as if it had been a summons issued by himself, and shall then return it to the Village Court, together with a report of such service. Such report shall be *prima facie* evidence of the facts stated therein.

[26.] 27. If a defendant does not appear in person or by agent on the day fixed, and it is proved that the summons was duly served at least two clear days before the date of hearing, the Village Court may proceed *ex parte*.

If it is not proved that the summons was duly served, the Village Munsiff shall issue a fresh summons.

[Every defendant may claim two clear days' notice of suit, and if the summons was not served in sufficient time to enable him to answer on the day fixed, the hearing shall be adjourned to a future day, of which due notice shall be given to defendant.]

[27.] 28. Every summons served under this Regulation otherwise than by the village servant shall be served at the expense of the party on whose behalf it is issued and the amount of fee leviable for such service shall be fixed by Government from time to time and shall be levied by the Village Munsiff in such manner and subject to such rules as may be prescribed in that behalf by [the] Government.

Process to be served at expense of party issuing.

Procedure where plaintiff does not appear and defendant does not admit claim or where summons is not served through plaintiff's default.

(1) neither party appears;

(2) the plaintiff does not appear and the defendant appears and does not admit the claim;

(3) the summons has not been served owing to the plaintiff's default and the defendant does not appear,

the suit shall be dismissed unless the Village Court, for good and sufficient cause, otherwise directs.

[28.] 29. If, on the day fixed for the defendant to appear,

[29.] 30. If the plaintiff does not appear but the defendant appears and admits the claim wholly or in part, the Village Court shall pass judgment against the defendant in accordance with such admission, provided that, when only a part of the claim is admitted, the Court may adjourn the hearing to a future day.

[30.] 31. Whenever a suit is dismissed under clause (1) or clause (3) of section [28] 29, the plaintiff may bring a fresh suit, and if within [30] days from the date of an order under clause (2) of section 28 dismissing the suit or of a decree passed for only a part of the claim under

section 29] *the time allowed by the law of limitation* the plaintiff satisfies the Village Court that he was prevented by any sufficient cause from appearing, the Court shall set aside the dismissal or the decree and shall appoint a day for proceeding with the suit.

[31.] 32. Any defendant against whom a decree has been passed *ex parte* may, within [30] days from the date of executing any process for its enforcement] *the time allowed by the law of limitation*, apply to the Village Court to set it aside; and if satisfied that the summons or notice was not duly served or that the defendant was prevented by any sufficient cause from appearing, the Court shall set aside the decree and shall appoint a day for proceeding with the suit.

No decree to be set aside without notice to opposite party.

[32.] 33. No decree shall be set aside on any application under section [30] 31 or section [31] 32 unless notice has been served on the opposite party.

CHAPTER V.

Of the Hearing, Withdrawal or Compromise of Suits, and of the Summoning and Examination of Witnesses.

[33.] 34. When the defendant appears, the Court shall ascertain from him whether he admits the claim made in the plaint. If he admits the claim, or if the suit is compromised, such admission or compromise shall be recorded in writing and signed by the parties, and the Court shall pass a decree in accordance therewith. If the defendant does not admit the claim, he shall be required to state his objections either orally or in writing, and the Court may, if it thinks fit, adjourn the case to enable him to file a written statement.

[34.] 35. If the plaintiff wishes to withdraw [a] the suit, he shall signify the same in writing to the Court which shall strike the suit off the file and no fresh suit shall be brought on the same cause of action.

[35.] 36. If either party is willing to let the suit be settled by the oath of the other, and such other party assents and takes the oath, the Court shall give judgment according to such oath.

[36.] 37. The defendant may set off any amount legally due to him by the plaintiff, for which he could bring a suit in a Village Court. If such set-off is established, the decree shall be for any sum which finally appears to be due to either party.

[37.] 38. When the defendant's statement has been made, the Court shall proceed to examine the truth of the claim, and shall summon the witnesses cited by either party who are not present.

[38.] 39. Any witness residing within the jurisdiction of the Village Court may be summoned verbally or in writing. Any witness residing within 5 miles beyond the Court's jurisdiction may be summoned in writing, and such summons shall be served through the Village Munsiff within whose jurisdiction he resides, or if for such [area] place there is no Village Court, through the [Court of

Witnesses not present to be summoned.

Summons to witnesses how served.

the Munsiff within whose jurisdiction] *the Patel of the village in which the witness resides.* If any witness resides more than 5 miles beyond the jurisdiction, the Court may call on the

parties to frame written interrogatories and shall forward such interrogatories with a letter to the Village Munsiff [within whose jurisdiction the witness resides] or if there is no Village Court for such place, to the Amildar or Deputy Amildar within whose jurisdiction the witness resides, and such Village Munsiff or Amildar or Deputy Amildar shall forthwith summon and examine the witness upon the interrogatories, and shall return his answers to the Court in which the suit is pending.

[39] 40. A summons may direct the party summoned either to appear and give evidence or to produce or cause the production of evidence or produce document.

[40] 41. Women who, according to the customs and manners of the country, ought not to be compelled to appear in public, Exemption of certain persons sons exempted from personal appearance in Court, from personal appearance. and any person who, by reason of sickness or bodily infirmity, cannot attend without serious inconvenience, shall not be summoned; but when the evidence of any such person is necessary, the Village Court shall examine such person at his or her residence.

[41] 42. Witnesses shall be examined *in open Court* on oath or affirmation, but it shall not be necessary for a Village Court to take down depositions of witnesses in writing.

[42] 43. If it appears likely that the parties will settle the matter amicably, or for any other sufficient cause, the Village Court Adjournment in view to amicable settlement or for other cause. may adjourn the hearing to a day to be fixed in the presence of the parties or in cases in which the defendant does not appear, in the presence of the plaintiff. If, on such day, the parties or any of them fail to appear, the Village Court may proceed to dispose of the suit in one of the modes prescribed in that behalf by sections [28] 29 and [29] 30, or make such other order as it thinks fit.

CHAPTER VI.

Of the Decree and its Execution.

[43] 44. When the parties or their agents have been heard, and the evidence on both sides considered, the Village Court shall pass On conclusion of hearing, Court such [a] decree as may seem just, equitable and to pass decree. according to good conscience.

[44] 45. The decree shall contain the number of the suit, the names of the parties, the particulars of the claim, the names of the Contents of decree. witnesses examined, the titles of the exhibits read, the decision thereon, and the reasons for such decision. It shall specify the sum of money adjudged, the movable property to be delivered, the sum to be paid in default of delivery, and the amount of costs to be paid and by what parties and in what proportions such costs shall be paid.

The decree shall be dated on the day on which it is passed, and signed by the Village Munsiff. When the suit has been heard by a Bench, the decree shall be signed by the members of such Bench concurring therewith. Each party shall be entitled to receive a copy of the decree on application.

[45] 46. In suits for money, the Village Court may decree interest on the Decree may award interest or sum decreed not exceeding 12 per cent per annum order payment by instalments. from date of suit till date of payment.

When a Village Court decrees the payment of a sum of money, it may direct that it be paid by instalments, with or without interest at the above rate.

[46] 47. The decree shall be executed by the Village Court which passed it. Court by which decree may be or by a Village Court or Munsiff to whom it is sent for execution under the provisions hereinafter contained.

[47] 48. If the decree is for any specific movable, it may be enforced by the seizure of the property, and its delivery to the decree-holder. If the seizure of the property is not practicable, the decree shall be executed by enforcing payment of the sum decreed as an alternative.

Decree for specific movable how executed.

[48] 49. All money payable under a decree passed by a Village Court shall be paid to the decree-holder or his agent specially authorized in writing, in the presence of the Village Munsiff whose duty it is to execute the decree; but if the decree is otherwise adjusted to the satisfaction of the decree-holder, the nature of such adjustment shall be

recorded in writing, and signed by him or his agent in the presence of, and attested by, such Village Munsiff.

Such payment or adjustment shall be endorsed by the Village Munsiff on the decree, and recorded in the register of suits mentioned in section 7.

No payment under a decree, and no adjustment of a decree in whole or in part, shall be recognised, unless it has been made or recorded in the manner prescribed by this section or in the Court of the Munsiff.

[49] 50. [Subject to the provisions of sections 64 and 65,] *Except where the decree is executed by a Munsiff*, no judgment-debtor

Judgment-debtor not to be arrested nor immovable property attached. shall be arrested and no immovable property attached in execution of a decree of a Village Court.

[50] 51. On the application of the decree-holder, the Village Court shall attach any movable property within its jurisdiction belonging to the judgment-debtor pointed out by the decree-holder to the value of the sum payable under the decree: provided that the following properties

Attachment of movable property. shall not be liable to such attachment, *viz.*,

- (a) the necessary wearing apparel, *cooking vessels*, beds, and bedding of the judgment-debtor, his wife and children, and such personal ornaments as, in accordance with, religious usage, cannot be parted with by any behalf, woman;
- (b) tools of artizans and, where the judgment-debtor is an agriculturist, his implements of husbandry and such cattle and seed-grain as may, in the opinion of the Court, be necessary to enable him to earn his livelihood as such;
- (c) books of account;
- (d) stipends and gratuities [payable to Military and Civil] allowed to pensioners of the Government or payable out of any service family pension fund notified in the Official Gazette by Government in this behalf, and political pensions;
- (e) the salary due to a public officer or to any servant of a Railway Company, or local authority;
- (f) the pay and allowances of persons to whom the Native Articles of War apply and of those belonging to the Mysore Military Forces as defined in the Code of Civil Procedure, 1911;
- (g) the wages of labourers and domestic servants whether payable in money or in kind.
- (h) The arms, horse, clothes, equipments, regimental accoutrements and necessities of the members of the Mysore Military Forces;
- (i) Where the decree relates to a debt due or contracted by an officer who has insured his life under the rules in force relating to the Mysore State Life Insurance, any bonus payable or paid thereunder to such officer or in the event of his death to his nominee or other person or persons entitled to such bonus under the said rules;
- (j) Any amount payable by the Military Department to the members of the Mysore Military Forces out of a retiring fund.

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Explanation.—The particulars mentioned in clauses (d), (e), (f), (g), (h) and (j) are exempt from attachment or sale whether before or after they are actually payable.

[51] 52. If the property is in the possession of the judgment-debtor, it shall be attached by actual seizure and the Village Munsiff shall provide for its safe custody. It may be left in the custody of the judgment-debtor upon sufficient security being given in writing for its production when required. On default, the decree may be executed against the surety to the value of the property not produced.

[52] 53. If the property is not in the possession of the judgment-debtor, the attachment shall be made by a written order prohibiting the person in possession of the property from giving it over to the judgment-debtor.

[53] 54. Debts and moneys due to the judgment-debtor shall be attached by a written order prohibiting the judgment-debtor from recovering the debt or receiving the sum of money and the debtor from making payment thereof, until the further order of the Village Court. Nothing in this section shall be held to authorize a Village Court to attach or sell a debt charged on immovable property.

[54] 55. When an attachment has been made by actual seizure, or by a written order, any private alienation of the property attached, whether by sale, gift, pledge or otherwise, and any payment of the debt to the judgment-debtor, during the continuance of the attachment, shall be void as against all claims enforceable under the attachment.

[55] 56. If any claim is preferred to property attached in execution of a decree, the Village Court shall investigate the claim, and if it appears that the judgment-debtor has no saleable interest therein, such property shall be released from attachment.

[56] 57. As soon as possible after attachment, the Village Court shall fix a day not less than fifteen days from the date of attachment for the sale of the property attached, and shall cause a written proclamation of the intended sale to be fixed outside the Court, and such sale shall be further proclaimed by beat of drum previous thereto.

Provided that (1) with the consent in writing of the judgment-debtor, or (2) when the property seized is subject to speedy and natural decay, or (3) when the expense of keeping it in custody may exceed its value, the Court may, after giving due notice by beat of drum, sell the attached property at any time within fifteen days from the date of attachment. In such case, the Court shall hold the sale proceeds subject to the provisions herein after made for payment of moneys attached in execution of decrees.

[57] 58. On the day fixed for the sale, the property shall be put up for sale by public auction in the presence of the Village Munsiff and sold to the highest bidder. The price shall be paid without delay and in default the property shall again be put to sale.

On payment of the purchase money, the Court shall grant a receipt for the same, and the sale shall become absolute.

Any loss on resale shall, at the instance of either the [judgment-creditor] decree-holder or judgment-debtor, be recoverable from the defaulter as if a decree had been passed against him for the same.

[58] 59. Any sale advertised under this Regulation may, at the discretion of the Court, be adjourned to a specified day, public notice thereof being given in the manner prescribed by section [56] 57.

[59] 60. No Village Munsiff or other officer having any duty to perform in connection with any sale under this Regulation shall, either directly or indirectly, bid for or acquire any property sold at such sale.

Village Munsiff and other officers not to bid for or buy property sold.

[60.] 61. Every sale of property under this Regulation shall be stopped if, before the lot is knocked down, the amount due under Stoppage of sale on tender of the decree and the cost attending the sale are tendered to the Village Munsiff.

[61.] 62. Out of the moneys realized in execution, the cost of execution shall first be defrayed and then the amount due to the Division of proceeds of sale. decree-holder. Any surplus which may remain shall be paid to the judgment-debtor.

[62.] 63. When the property sold is one of Property actually seized to be which actual seizure has been made, the property delivered to purchaser. shall be delivered to the purchaser.

[63.] 64. When the property sold is in the possession of any person other than the judgment-debtor, or is a debt due by any Delivery of property to pur- person to the judgment-debtor, delivery thereof to the chaser in other cases. purchaser shall be made by a written notice to such person, prohibiting him from delivering possession of the property or paying the debt to any person except the purchaser, and whatever right the judgment-debtor had in such property or debt at the time of attachment shall vest in the purchaser.

[64.] 65. [Any decree passed by a Village Court may, on the application of the decree-holder, be transferred for execution] On the application of the decree-holder, a Village Court which passed a decree may, if the decree cannot be fully executed by itself, transfer it for execution to the Munsiff who may execute the same as if it were a decree passed by himself, or may transfer for execution to the Court of any other village in which the defendant is represented to have movable property. Such Court shall proceed as if the decree was passed by itself.

[65.] 66. It shall be competent to a Munsiff to withdraw for just and sufficient cause the execution of any decree from any Munsiff may withdraw execution of any decree. Village Court and to execute it himself, as if it were a decree passed by himself.

CHAPTER VII.

Miscellaneous.

[66.] 67. If a plaintiff or a defendant dies before decree is passed in the suit, the name of his legal representative may be entered in his place on the record on the application of the opposite party or of such legal representative, but [no decree shall be passed against] the legal representative of a deceased defendant shall not be answerable for any decree that may be passed beyond the value of the assets derived from him and not duly accounted for.

[67.] 68. If no such application is made within sixty days from the date of the death of the plaintiff or defendant, the suit shall be dismissed, and no fresh suit shall be allowed to be brought on the same cause of action.

[68.] 69. If there be more plaintiffs or defendants than one, and any of them dies and his representative is not joined as aforesaid, the suit shall proceed at the instance of the surviving plaintiff or plaintiffs or against the surviving defendant or defendants.

[69.] 70. If a decree-holder dies before the decree has been fully executed, his legal representative may apply to the Village Court to substitute his name as the decree-holder in the place of the deceased, and if the Court is satisfied, after giving notice to the judgment-debtor, that the applicant is the legal representative of the deceased, it shall substitute his name on the record as the decree-holder.

[70.] 71. If a judgment-debtor dies before the decree has been fully executed,

If judgment-debtor dies, decree may be executed against his legal representative.

it may be executed on the application of the decree-holder against the legal representative of the judgment-debtor to the extent of the assets derived from him and not duly accounted for.

[71.] 72. The Munsiff may, on a petition being presented within sixty days from the date of any decree or order of a Village Court by any party deeming himself aggrieved by such decree or order, set aside such decree or order, on the ground—

of corruption, gross partiality, or misconduct of the Village Court; or of its having exercised a jurisdiction not vested in it by law, or otherwise acted illegally or with material irregularity; or

that the decree or order is clearly unjust or contrary to law;

and may pass such other decree or order as he thinks fit; provided that no decree or order of a Village Court shall be set aside without notice to the opposite party.

Pending disposal of any such petition, the Munsiff may stay execution of the decree or order.

A petition under this section may be entertained after sixty days by the Munsiff if he is satisfied with the cause shown for the delay.

Except as provided in this section, every decree and order of a Village Court shall be final.

[72.] 73. Whenever under section [71] 72, the Munsiff sets aside a decree or order, he may report the case to the District Judge, and shall report every case in which he sets aside a decree or order on the ground of corruption, gross partiality or misconduct.

[73.] 74. The Chief Court may, from time to time, prescribe forms for use in Village Courts and the returns which they shall be bound to submit. The District Judge or the Deputy Commissioner or the Munsiff may at any time call for and inspect the registers and records of Village Courts.

Power of Chief Court to prescribe forms and of District Judge, Deputy Commissioner and Munsiff to inspect records.

75. Notwithstanding anything contained in the Mysore Court Fees Regulation, 1900, no plaint, petition or Vakalatnama presented to a Village Court shall be chargeable with any fee under the said Regulation.

Exemption of plaints, etc., from payment of Court Fees.



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BANGALORE, THURSDAY, MAY 2, 1912.

PART III.

Legislative Measures and Rules thereunder.

NOTIFICATION.

No. 201—L.C., dated 2nd May 1912.

Under Rule 40 of the Rules for the conduct of business of the Mysore Legislative Council, the following report of the Select Committee on the Partition Bill is published for general information.

By Order,
S. HIRIYANNAIYA,
Secretary, Mysore Legislative Council.

Report of the Select Committee on the Bill to Amend the law relating to Partition in Mysore.

We the members of the above Committee have the honour to report that we have carefully considered the Bill and find that it calls for no alteration. We recommend that the Bill be passed in the form in which it was introduced.

Dated 24th April 1912.

H. V. NANJUNDAYYA.

D. SHAMA RAO.

C. S. DORASWAMI IYER.

M. C. RANGIENGAR.

Note.—Mr. C. Srinivasiengar, who was also a member of the Select Committee, was unable to be present at the meeting.



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BANGALORE, THURSDAY, MAY 16, 1912.

PART III.

Legislative Measures and Rules thereunder.

NOTIFICATION.

No. J. 3292—Legis. 28-10-8, dated 10th May 1912.

The Government of His Highness the Maharaja of Mysore are pleased to publish for the information of persons likely to be affected thereby, the following draft rules which it is proposed to make in exercise of the powers conferred by Sections 2, 4, 9 and 10(2) of the Mysore Poisons Regulation, 1910, for the purpose of regulating the possession for sale and the sale of white arsenic and certain other poisons in Mysore.

The draft rules will be taken into consideration two months after their publication in the Gazette.

Draft Rules.

1. For the purposes of these rules—
 - (i) the expression "white arsenic" includes every substance in which there is free arsenious oxide; and
 - (ii) the expressions "sell," and "sale," shall mean, respectively, "sell by retail" and "sale by retail."
2. The following shall be considered to be poisons, for the purposes of Section 2 and sub-section (2) of Section 10 of the Mysore Poisons Regulation, 1910, viz.—

Aconite, Nux Vomica, Perchloride of Mercury (corrosive sublimate), Cyanide of Potash, Stramonium (Dathura), and every preparation and admixture of these drugs, and Chloroform and its preparations used for the purpose of anaesthetising.

3. No person shall—

(i) possess white arsenic for sale, or

(ii) sell white arsenic or other poisons except under a license granted in this behalf by the District Magistrate.

4. The grant of a license to any applicant shall be at the discretion of the District Magistrate, whose decision shall be final. The license shall be granted for the year ending with the 30th June.

5. A fee of rupee one shall be charged for each license granted under Rule 4 and shall be paid before the grant of such license. The license shall be inscribed on a non-judicial impressed stamp paper of the appropriate value.

6. A license, unless previously withdrawn under Rule 7, shall terminate on the death of the license-holder.

7. The District Magistrate may, for any sufficient cause, revoke or cancel any license granted under Rule 4.

8. A license-holder shall effect every sale of white arsenic or other poison in person.

9. A license-holder shall not sell any white arsenic or other poison to any person—

(a) who is not personally known to him or identified to his satisfaction, or

(b) who appears to him to be under the age of 18 years, or

(c) who does not appear to him to be in full possession of his faculties, or

(d) who is a wandering mendicant. 33431186

10. A license-holder shall not sell white arsenic or other poison in any quantity exceeding one ounce at any one time to any one person.

11. (i) A license-holder shall maintain a register in which he shall enter all sales of white arsenic or other poison.

(ii) The following particulars shall be entered in respect of each sale, in the register maintained under sub-rule (i) *viz.*

(a) serial No.,

(b) name of poison,

(c) quantity sold,

(d) date of sale,

(e) name of purchaser,

(f) address of purchaser,

(g) purpose for which white arsenic or other poison is stated to be required,

(h) signature of purchaser and his left thumb mark, and

(i) signature of vendor.

12. A license-holder shall maintain a stock register, which shall contain the following particulars, namely:

(a) serial No.,

(b) date,

(c) quantity received,

(d) name and address of person from whom received,

(e) quantity sold,

(f) balance in stock, and

(g) remarks.

13. Any Magistrate, any Police Officer of or above the rank of Sub-Inspector, any Revenue Officer of or above the rank of Deputy Amildar, or any Medical officer of or above the rank of Sub-Assistant Surgeon, may at any time visit and inspect the premises of a license-holder where white arsenic or other poison is kept for sale and may inspect the stock found therein and the registers kept under Rules 11 and 12.

14. (1) White arsenic or other poison shall be kept in securely closed receptacles of glass, tin or earthenware.

(2) All such receptacles shall be kept in a separate locked almirah or box and shall be marked in paint with the name of the poison contained therein.

(3) Every almirah or box and each receptacle within such almirah or box, shall have the word "poison" in English and Kannada painted upon it in red letters.

15. When any white arsenic or other poison is sold, it shall be securely packed in a packet.

(2) Every packet sold shall be labelled by the vendor with a red label bearing the name of the poison in Kannada and the number and date of the entry in the register of sales.

16. A license-holder shall not sell powdered white arsenic to any person unless the same is, before the sale thereof, mixed with soot, indigo, or Prussian blue in the proportion of half an ounce of soot, indigo, or Prussian blue at least to one pound of the white arsenic and so in proportion for any greater or less quantity.

Provided that, where such arsenic is stated by the purchaser to be required for some purpose for which such admixture would, according to the representation of the purchaser, render it unfit, the license-holder may sell such arsenic without such admixture, in a quantity of not less than ten pounds at any one time.

17. These rules shall be in force throughout Mysore in respect of white arsenic, and shall be applicable in respect of other poisons to such Municipalities in the State as may from time to time be notified by Government in the official Gazette.

18. Under sub-section (2) of Section 10 of the Mysore Poisons Regulation, 1910, the Government are further pleased to direct that the provisions of Rules 11 to 16 shall apply in the case of Medical or Veterinary practitioners or chemists or druggists vending poisonous drugs specified in Rule 2.

By Order,
C. S. BALASUNDARAM IYER,
*Officiating Secretary to Government,
General and Revenue Departments.*



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BANGALORE, THURSDAY, MAY 23, 1912.

PART III.

Legislative Measures and Rules thereunder.

NOTIFICATIONS.

No. 218—*L. C. dated, 20th May 1912.*

A meeting of the Mysore Legislative Council will be held in the Public Offices buildings, MYSORE, on Saturday the 1st June 1912 at 1 P.M.

No. 217—*L. C. dated 20th May 1912.*

Under Rule 40 of the Rules for the conduct of business of the Mysore Legislative Council, the following report of the Select Committee on the Mysore Emigration Bill is published for general information with the Bill as amended by the Committee.

By Order,

S. HIRIYANNAIYA,

Secretary, Mysore Legislative Council.

Report of the Select Committee on the Mysore Emigration Bill.

We, the members appointed to consider the Mysore Emigration Bill, have the honour to submit to the Council the following report.

We have carefully considered each clause of the Bill on its merits and with reference to the British Indian Act of 1908, to which in some respects it will be an auxiliary measure. We are of opinion that no changes of substance are called for and we recommend that the Bill with the few changes (more or less of a verbal character) made by us be passed.

Dated 25th April 1912.

H. V. NANJUNDAYYA.

D. DEVARAJ URUS.

C. SRIKANTESWARA AIYAR.

D. VENKATRAMAIYA.

NOTE.

After a careful consideration of the discussions in Select Committee and of the provisions of the Bill and of the British Indian Act, I think that the Bill as it stands does not seem calculated to fulfil the object with which it is framed. The objects and reasons for this Bill, as indicated in the statement accompanying the Bill, are not very clear or definite. Yet it may be observed that the chief aim of the Bill is evidently to regulate and control emigration to all places out of "The Mysore State," whereas the British Indian Act applies to emigration by sea only to places other than Ceylon and Straits Settlements.

It is not clear what provisions (except perhaps those) of Section 7 relating to accommodation, Section 8 giving power to prohibit emigration and clauses (b) and (c) of Section 11, laying down the penalty for infraction of such provisions) are intended to apply to recruitment for British India, including other Native States, Ceylon and Straits Settlements. The rules framed under Madras Act I of 1903, provide for the form and particulars of contracts to be executed by the planter, maistri and labourer; and some similar provisions would seem to be required in Mysore also. I believe that some Government Order or Notification had been issued many years ago on this subject.

There is also no provision in the Bill for giving of any information to the local authorities before the cooly maistri or recruiter commences his operations within such area. While it may not be absolutely necessary that the recruiter should get his license countersigned, it is very important that the Deputy Commissioner and officers under him, such as the Amildar or Inspector of the Taluk, should know what cooly maistries or recruiters are trying to enlist coolies or emigrants; and the mere grant of power to ask for the production of license when they happen to know otherwise of such men being in their midst is not sufficient. While it is unnecessary to refer in the Bill to offences which may be committed out of Mysore or which the Emigration Superintendent or other British Indian officials can deal with, the Bill should be exhaustive as regards all offences which may be enquired into and punished within the State, e.g., offences under Section 83, etc.

8th May 1912.

A. RANGASWAMI IYENGAR.

[Note.—Messrs. C. Srinivasiengar and M. Muthanua, who were also members of the Committee, were unable to be present.]

The Mysore Emigration Bill.

(As amended by the Select Committee)

[The portions in square brackets are those omitted and those in italics newly added by the Committee.]

Whereas it is expedient to regulate the emigration of minors and other persons beyond the limits of Mysore for labour; His Highness the Maharaja is pleased to enact as follows:—

1. This Regulation may be called "The Mysore Emigration Regulation." Title and Extent. It extends to the whole of Mysore.

2. Definitions—

(a) "Emigrate and Emigration" denote the departure out of Mysore of a native of Mysore under an agreement to labour for hire in some country beyond the limits of Mysore.

(b) "Emigrant" means any native of Mysore who emigrates or has emigrated, and includes any dependent of an emigrant.

"Dependent."

(c) "Dependent" means any of the following persons accompanying an emigrant, namely,—

any woman who has not entered into an agreement to emigrate; any child in whose name and on whose behalf any such agreement has not been entered into; and any aged or incapacitated relative or friend.

"Labour."

(d) "Labour" means unskilled labour and does not include domestic personal service.

(e) "Recruiter" includes a head recruiter or other person who collects or receives emigrants recruited by other persons.

3. Emigration to places outside India and Ceylon shall be lawful only to countries to which the Governor-General of India in Council has permitted emigration or to which he has not prohibited emigration from British India under any law in force in British India.

4. (1) In cases in which a license shall be required for recruiting in British India under any law for the time being in force there, no person shall, without such a license granted by a Protector of Emigrants under Section 16 of the Indian Emigration Act (XVII of 1908),—

(a) enter into or attempt to enter into any agreement with any person, purporting to bind him to emigrate, or

(b) in consideration of any hire or reward, induce or attempt to induce any person to leave any place for the purpose of emigrating, or

(c) act or be employed *in any other respect* as a recruiter of emigrants.

(2) Every recruiter [having] required to have such a license shall produce it when called upon to do so by any Magistrate or officer in charge of a Police Station.

5. Any District Magistrate may, after recording reasons therefor, endorse upon such a license that it should not be valid within the limits of his jurisdiction, and thereafter it shall be unlawful for any person to recruit coolies on the strength of such license.

6. A recruiter shall give a true copy in the Kannada language of the statement of the terms of the agreement that he is authorised to offer to intending emigrants under the provisions of Section 22 (1) of the Indian Emigration Act (XVII of 1908) to every person whom he invites to emigrate, and shall when called upon to do so produce the statement for the information of any Magistrate or officer in charge of a Police Station [when called upon to do so by the Magistrate or officer].

7. (1) Every recruiter shall provide sufficient and proper accommodation in a suitable place for such intending emigrant or emigrants as may be collected by him pending their removal out of Mysore.

(2) The place where the accommodation is provided shall have a board fixed in some conspicuous position specifying the purpose for which the place is used.

(3) Every District Magistrate or such other Magistrate or Police officer as may be authorised under rules framed by Government shall have, for the supervision and regulation of the places in which accommodation is provided under this section, the same powers as are conferred on a Protector of Emigrants in British India in respect of depots at the port of embarkation, under the provisions of the Indian Emigration Act (XVII of 1908).

(4) All recruiters or other persons in charge of these places shall afford every Magistrate or other officer authorised under this section every facility for visiting and inspecting them.

Power of Government to prohibit emigration.

8. The Government may, whenever it deems necessary, prohibit altogether emigration to any place outside Mysore, and may withdraw such prohibition.

9. No person below the age of eighteen shall be taken out of Mysore as an emigrant except under a written agreement duly executed and attested in accordance with rules to be framed by Government, entered into with his legal guardian, or where there is no such guardian, under the written permission of the Magistrate of the District from which the minor person intends to emigrate.

10. No [female who is married] *married woman* shall be taken out of Mysore Female emigrants. *as an emigrant* without the consent of her husband (when he does not go with her) taken in writing and attested under rules framed by Government on this behalf, or without the written permission of a District Magistrate.

11. (1) Whoever, except in conformity with the Unlawful recruitment provisions of this Regulation or of any rules framed thereunder,

- (a) makes or attempts to make any agreement with any native of Mysore purporting to bind him to emigrate;
 - (b) in consideration of any hire or reward, induces or attempts to induce any native of Mysore to leave any place for the purpose of emigrating, or is employed as a recruiter of emigrants;
 - (c) in consideration of any hire or reward, receives into or detains in any place, or, being a recruiter, in any place other than a place in which accommodation has been provided in accordance with this Regulation or rules made under this Regulation, any person with a view to his being registered or despatched as an emigrant,
- shall be punishable with a fine which may extend to Rs. 500.

(2) If a person other than a person authorised under Section 4 of this Regulation commits an offence under this section, any Police officer may arrest him without a warrant.

12. A recruiter, who in contravention of Section 6 fails to give a copy of the statement therein referred to, to any person whom he invites to emigrate, or to produce the statement for an emigrant a copy of agreement referred to in Section 6 or produce the information of a Magistrate or Police officer, shall be punishable with fine which may extend to one hundred rupees.

13. Whoever, by means of intoxication, coercion or fraud, causes or induces, or fraudulently inducing, any native of Mysore to emigrate, or to enter into an agreement to emigrate, or to leave any place with a view to emigrating, shall be punished with imprisonment for a term which may extend to one year, or with fine, or with both.

14. The Government may prohibit any person who has been once convicted of an offence under this Regulation or the rules framed Prohibition of certain persons from acting as recruiters. thereunder or for any offence connected with recruitment of labourers under any other law in force, from acting thereafter as a recruiter of emigrants or doing anything to aid or induce any person to emigrate.

Power for Government to make rules. 15. The Government [of His Highness the Maha-raja] may, by notification in the official Gazette, make rules consistent with this Regulation,—

- (a) to provide for the supervision and regulation of places of accommodation provided for emigrants;
- (b) to prescribe forms of registers to be kept and returns and information to be supplied by recruiters under this Regulation;
- (c) to provide for the execution, registration and [the] attestation of agreements entered into with or on behalf of persons intending to emigrate;
- (d) to regulate the discretion of the District Magistrate to give or withhold permission under sections 9 and 10 of the Regulation; and
- (e) generally to provide for the security, well-being and protection of emigrants.

16. The Government [of Mysore] may, for any breach of such rules not falling within the provisions of this Regulation or any other law in force, provide for a punishment not exceeding a fine of one hundred rupees.



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BANGALORE, THURSDAY, JUNE 6, 1912.

PART III.

Legislative Measures and Rules thereunder.

NOTIFICATION.

No. J. 3591—*Legis. 16-09, dated 5th June 1912.*

The Government of His Highness the Maharaja of Mysore are pleased to direct that the Rules under the Mysore Weights and Measures Regulation, No. III of 1902, issued under Notification No. J. 864—*Legis. 16-09-37*, dated the 11th September 1911, shall come into force throughout the State on the 1st day of October 1912 instead of on the 1st July 1912, as stated in the preamble to the said Notification.

By Order,

K. R. SRINIVASIENGAR,

*Officiating Secretary to Government,
General and Revenue Departments.*



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BANGALORE, THURSDAY, JUNE 20, 1912.

PART III.

Legislative Measures and Rules thereunder.

NOTIFICATIONS.

No. J. 3591—*Legis. 16-09, dated 5th June 1912.*

The Government of His Highness the Maharaja of Mysore are pleased to direct that the Rules under the Mysore Weights and Measures Regulation, No. III of 1902, issued under Notification No. J. 864—*Legis. 16-09-37*, dated the 11th of September 1911, shall come into force throughout the State on the 1st day of October 1912 instead of on the 1st July 1912, as stated in the preamble to the said Notification.

By Order,

K. R. SRINIVASIENGAR,

*Officiating Secretary to Government,
General and Revenue Departments.*

No. 282—*L. C., dated 15th June 1912.*

Under Rule 31 of the Rules for the conduct of business of the Mysore Legislative Council, the accompanying Bill to further amend the Mysore Municipal Regulation, 1906, is published for general information, with the statement of objects and reasons.

By Order,

S. HIRIYANNAIYA,

Secretary, Mysore Legislative Council.

A Bill to further amend the Mysore Municipal Regulation, 1906.

Whereas it is expedient to further amend the Mysore Municipal Regulation, VII of 1906; His Highness the Maharaja is pleased to enact as follows:—

Insertion of a new section
after Section 53.

1. The following new section shall be inserted after Section 53, namely:—

"53 A. A Municipal Council may, in pursuance of a resolution passed at a special general meeting and with the previous sanction of Government and subject to such conditions as may be prescribed by Government as to security, the rate of interest and the repayment of principal and interest, borrow, either from Government, or from private persons, any sum of money required for constructing any work of a permanent nature which it is required or empowered to undertake under the provisions of this Regulation."

2. The following shall be inserted after proviso (a) to Section 59, namely:—

Insertion of an additional
proviso after proviso (a) to
Section 59.

"(aa) No tax shall be leviable in respect of horses, being registered chargers of the officers of the Mysore State Troops or of the British Indian Army, or in respect of one bicycle and one horse kept by the members of the Mysore Police Force or the Police Force of the Civil and Military Station, Bangalore, for the performance of their official duties."

3. The following shall be added after Section 68, namely:—

Addition of new sections
after Section 68.

"68 A. (1) Whenever the title of any person primarily liable for the payment of a tax imposed on any premises in the form of a rate on buildings or lands to or over such premises is transferred, the person whose title is so transferred and the person to whom the same shall be transferred shall, within three months after execution of the instrument of transfer, or after its registration, if it be registered, or after the transfer is effected, if no instrument be executed, give notice of such transfer in writing to the Municipal Council.

(2) In the event of the death of any person primarily liable as aforesaid, the person to whom the title of the deceased shall be transferred, as heir or otherwise, shall give notice of such transfer to the Municipal Council within one year from the death of the deceased.

(3) Whoever contravenes the provisions of sub-section (1) or sub-section (2) shall be punished with fine which may extend to fifty rupees.

68 B. (1) The notice to be given under the last preceding section shall be in the form either of Schedule IV A or Schedule IV B, as the case may be, and shall state clearly and correctly all the particulars required by the said form.

(2) On receipt of any such notice, the Municipal Council may, if they think it necessary, require the production of the instrument of transfer, if any, or of a copy thereof obtained under Section 57 of the Mysore Registration Regulation, 1903.

(3) Whoever fails to comply with the requisition made under sub-section (2) shall be punished with fine which may extend to fifty rupees.

68 C. (1) Every person primarily liable for the payment of a tax imposed on any premises in the form of a rate on buildings or lands to or over such premises without giving notice of such transfer to the Municipal Council as aforesaid, shall, in addition to any other liability

Liability for payment of taxes on buildings or lands to continue in the absence of notice of transfer.

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which he incurs through such neglect, continue liable for the payment of all taxes from time to time payable in respect of the said premises, until he gives such notice, or until the transfer shall have been recorded in the books of the Municipal Council.

(2) But nothing in this section shall be held to diminish the liability of the transferee for the said taxes or to affect the prior claim of the Municipal Council on the premises conferred by Section 87 for the recovery of the taxes due thereupon."

"SCHEDULE IV A.

(SECTION 68 B.)

Form of Notice of Transfer to be given when the transfer has been effected by instrument.

To the President of the

Municipal Council.

I, A. B., hereby give notice, as required by Section 68A of the Mysore Municipal Regulation, VII of 1906, as amended by Regulation , of the following transfer of property :—

Date of notice	Date of instrument	Name of vendor or assignor	Name of purchaser or assignee	Amount of consideration	Description of the property						If instrument has been registered, the date of registration	Remarks
					Of what it consists	Situation	Number in assessment list	Dimensions of land	Boundaries			

(Sd.) A. B.

SCHEDULE IV B.

(SECTION 68 B.)

Form of Notice of Transfer to be given when the transfer has taken place otherwise than by instrument.

To

The President of the

Municipal Council.

I, A. B., hereby give notice, as required by Section 68A of the Mysore Municipal Regulation, VII of 1906, as amended by Regulation , of the following transfer of property :—

Date of notice	Name in which the property is at present entered in the Municipal records	To whose name it is to be transferred	Of what it consists	Description of the property						Remarks	
				Situation	Number in assessment list	Dimensions of land	Boundaries				

(Sd.) A. B.

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STATEMENT OF OBJECTS AND REASONS.

Clause 1.—The old Municipal Regulation of 1871, as applied to the cities of Bangalore and Mysore, contained a provision, Section 91, enabling Municipalities to raise loans for works of a permanent nature either from Government or in the open market. But this provision was omitted from the Municipal Regulation, VII, of 1906, now in force, which is based on the Bombay District Municipalities Act. The defect has been supplied in Bombay by the enactment of Local Authorities Loans Acts of 1879 and 1897. As there are no corresponding Regulations enacted for this State, the Municipal Councils will be unable to raise a loan when occasion may arise. It has therefore been considered desirable to amend the existing Municipal Regulation in terms of clause (1) of Section 91 of the old Municipal Regulation with suitable modifications. A new section as Section 53A is accordingly proposed to be inserted.

Clause 2.—Under the law as at present in force, the British Military Officers living within the limits of the Bangalore City have got to pay Municipal tax in respect of the horses owned by them. It is understood that in Municipalities in British India the chargers which the Military Officers are bound to maintain are exempt from Municipal taxation and it is considered desirable that this concession should be extended to the British Military Officers residing within the limits of the Bangalore City Municipality. The Civil and Military Station Municipality have on their part agreed to extend a similar exemption in favor of the Officers of the Mysore State Troops living within the limits of the Civil and Military Station.

It is also considered desirable that one bicycle and one horse kept by the members of the Police Force of the City and the Civil and Military Station of Bangalore residing within City limits for use in connection with their official duties should be exempted from Municipal taxation. A reciprocal concession will be allowed by the Station Municipality.

Clause 3.—In regard to assessed taxes on houses and buildings, the registers of property in the Bangalore City Municipality do not contain correct information about changes of ownership that have taken place from time to time and such information is necessary to bring the registers up to date. There is at present no authority for compelling owners to supply such information, the absence of which places great difficulties in the way of recovering revenue from the persons liable by suits in the Civil Courts and by distress of moveable property. It is, therefore, considered necessary that there should be some statutory obligation on the part of the owners to give notice to the Municipal authorities of changes of title. With this object, it is proposed to amend the Regulation, by incorporating into it Sections 149 to 151, both inclusive, of the City of Bombay Municipal Act, III of 1888, so as to cast on the owners of property the duty of giving notice to the Municipal Council of changes of ownership of buildings or lands situate within Municipal limits.



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[No. 27.

BANGALORE, THURSDAY, JULY 4, 1912.

PART III.

Legislative Measures and Rules thereunder.

NOTIFICATION.

No. Fl. 5522—S. R. 241-11-2, dated 21st June 1912.

Under Rule VI of the Foreign Liquor Rules, published under Government Notification No. 11469—Ex. F. 3-1901, dated 10th January 1902, as amended by Notification No. Fl. 1407—S. R. 49-07-12, dated 11th September 1908, and in supersession of the Notification No. Fl. 2776—S. R. 49-07, dated 21st December 1908, the following scale of fees per year or fraction of a year ending with 30th June is fixed as regards the licenses therein mentioned:—

	Rs.
1. Wholesale license	120
2. Retail "Off" License in Bangalore	500
(i) Retail "Off" License in Mysore .....	.....
(ii) Retail "Off" License in Shimoga and Kolar Gold Fields .....	..... } 300
(iii) Retail "Off" License in Chikmagalur .....	..... } 400
(iv)	
(1) Retail "Off" License in Balehonnur, Kadur District .....	..... } 150
(2) Retail "Off" License in Saklespur, Hassan District }

	Rs.
3. Hotel and Boarding house license	..... 60
4. Railway Refreshment room license	..... 120
5. Ordinary Refreshment room license	..... 120
6. Special license for the sale of weak liquors which do not come under the above heads	..... 150
7. License to proprietary Clubs and Co-operative Societies	..... 60
8. License to Chemists and Druggists	..... 10
9. Auctioneer's License	..... 5
10. Occasional license, a fee to be levied at the discretion of the Deputy Commissioner, not exceeding Rs. 20 for periods not exceeding ten days at one time.	
2. Besides the above license fees, the licensees of the retail shops and hotel and refreshment rooms in Bangalore and Mysore Cities shall, before the issue of the licenses, pay a registration fee of Rs. 180 for the year.	
3. In addition to the above scale of fees which shall be paid in advance before the issue of the licenses, there shall be paid, immediately after the close of each quarter of the official year for which the license is granted, a surcharge fee of Rs. 30 on every 250 gallons or fraction thereof sold in excess of 500 gallons.	

N. B.—No surcharge fee is payable for the following licenses:—

1. Occasional License, 2. Auctioneer's License, and 3. License to Chemists and Druggists.

4. The Excise Commissioner may from time to time fix the amount of fees on a Dining Car License, having regard to the condition of the sales, at a sum not less than Rs. 15 and not higher than Rs. 60 per annum, when the sales do not exceed 500 gallons a year.

By Order,

K. R. SRINIVASIENGAR,
Officiating Secretary to Government,
General and Revenue Departments.

REGULATION No. V OF 1912.

(Received the assent of His Highness the Maharaja on the 25th day of June 1912.)

**A Regulation further to amend the Mysore Land Revenue Code,
Regulation No. IV of 1888.**

Whereas it is expedient further to amend the Mysore Land Revenue Code, 1888; His Highness the Maharaja is pleased to enact as follows:—

Insertion of a new section before Section 97.

Preamble.

“96 A. Any rent or land revenue payable by an inferior holder to a superior holder together with interest at rates fixed by any rules framed by Government, shall be a first charge on the holding or any part thereof, provided that nothing in this section shall affect any right of the

Government or any right or encumbrance created by the inferior holder with the consent of the superior holder in writing registered or before the date of this Regulation coming into force.”

2. The words “within two years from the end of the revenue year or the year of tenancy” shall be substituted for the words “within the revenue year or within the year of tenancy” in the proviso to Section 97.

Amendment of Schedule I to the Mysore Limitation Regulation, 1911.

“119 A. By a superior holder to recover arrears of revenue from an inferior holder or to enforce a charge for rent or revenue on a holding.”

Six years

The end of the revenue year for which the amount became due.

4. The words “except in cases provided for in Article 119 A” shall be inserted at the end of column 1 of Article 132 of the first schedule to the Mysore Limitation Regulation, 1911.

T. ANANDA ROW,
Dewan.



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BANGALORE, THURSDAY, JULY 11, 1912.

PART III.

Legislative Measures and Rules thereunder.

NOTIFICATION.

No. Fl. 5522—S. R. 241-11-2, dated 21st June 1912.

Under Rule VI of the Foreign Liquor Rules published under Government Notification No. 11469—Ex. F. 3-1901, dated 10th January 1902, as amended by Notification No. Fl. 1407—S. R. 49-07-12, dated 11th September 1908, and in supersession of the Notification No. Fl. 2776—S. R. 49-07, dated 21st December 1908, the following scale of fees per year or fraction of a year ending with 30th June is fixed as regards the licenses therein mentioned:—

	Rs.
1. Wholesale license	120
2. Retail "Off" License in Bangalore	500
(i) Retail "Off" License in Mysore	300
(ii) Retail "Off" License in Shimoga and Kolar Gold Fields	300
(iii) Retail "Off" License in Chikmagalur	400
(iv)	
(1) Retail "Off" License in Balehonnur, Kadur District	150
(2) Retail "Off" License in Saklespur, Hassan District	150

	Rs.
3. Hotel and Boarding house license	60
4. Railway Refreshment room license	120
5. Ordinary Refreshment room license	120
6. Special license for the sale of weak liquors which do not come under the above heads	150
7. License to proprietary Clubs and Co-operative Societies	60
8. License to Chemists and Druggists	10
9. Auctioneer's License	5
10. Occasional license, a fee to be levied at the discretion of the Deputy Commissioner, not exceeding Rs. 20 for periods not exceeding ten days at one time.	

2. Besides the above license fees, the licensees of the retail shops and hotel and refreshment rooms in Bangalore and Mysore Cities shall, before the issue of the licenses, pay a registration fee of Rs. 180 for the year.

3. In addition to the above scale of fees which shall be paid in advance before the issue of the licenses, there shall be paid, immediately after the close of each quarter of the official year for which the license is granted, a surcharge fee of Rs. 30 on every 250 gallons or fraction thereof sold in excess of 500 gallons.

N. B.—No surcharge fee is payable for the following licenses:—

1. Occasional License, 2. Auctioneer's License, and 3. License to Chemists and Druggists.

4. The Excise Commissioner may from time to time fix the amount of fees on a Dining Car License, having regard to the condition of the sales, at a sum not less than Rs. 15 and not higher than Rs. 60 per annum, when the sales do not exceed 500 gallons a year.

By Order,
K. R. SRINIVASIENGAR,
*Officiating Secretary to Government,
General and Revenue Departments.*



The Mysore Gazette.

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BANGALORE, THURSDAY, JULY 18, 1912.

PART III.

Legislative Measures and Rules, thereunder.

NOTIFICATION.

No. Fl. 5522—S. R. 241-11-2, dated 21st June 1912.

Under Rule VI of the Foreign Liquor Rules published under Government Notification No. 11469—Ex. F. 3-1901, dated 10th January 1902, as amended by Notification No. Fl. 1407—S. R. 49-07-12, dated 11th September 1908, and in supersession of the Notification No. Fl. 2776—S. R. 49-07, dated 21st December 1908, the following scale of fees per year or fraction of a year ending with 30th June is fixed as regards the licenses therein mentioned:—

	Rs.
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(i) Retail "Off" License in Mysore
(ii) Retail "Off" License in Shimoga and Kolar Gold Fields	300
(iii) Retail "Off" License in Chikmagalur	400
(iv)	
(1) Retail "Off" License in Balehonnur, Kadur District
(2) Retail "Off" License in Saklespur, Hassan District	150

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	Rs.
3. Hotel and Boarding house license 60
4. Railway Refreshment room license 120
5. Ordinary Refreshment room license	..... 120
6. Special license for the sale of weak liquors which do not come under the above heads	..... 150
7. License to proprietary Clubs and Co-operative Societies	..... 60
8. License to Chemists and Druggists	..... 10
9. Auctioneer's License	..... 5
10. Occasional license, a fee to be levied at the discretion of the Deputy Commissioner, not exceeding Rs. 20 for periods not exceeding ten days at one time.	

2. Besides the above license fees, the licensees of the retail shops and hotel and refreshment rooms in Bangalore and Mysore Cities shall, before the issue of the licenses, pay a registration fee of Rs. 180 for the year.

3. In addition to the above scale of fees which shall be paid in advance before the issue of the licenses, there shall be paid, immediately after the close of each quarter of the official year for which the license is granted, a surcharge fee of Rs. 30 on every 250 gallons or fraction thereof sold in excess of 500 gallons.

N. B.—No surcharge fee is payable for the following licenses:—

1. Occasional License, 2. Auctioneer's License, and 3. License to Chemists and Druggists.

4. The Excise Commissioner may from time to time fix the amount of fees on a Dining Car License, having regard to the condition of the sales, at a sum not less than Rs. 15 and not higher than Rs. 60 per annum, when the sales do not exceed 500 gallons a year.

By Order,

K. R. SRINIVASIENGAR,

*Officiating Secretary to Government,
General and Revenue Departments.*



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BANGALORE, THURSDAY, AUGUST 15, 1912.

PART III.

Legislative Measures and Rules thereunder.

NOTIFICATION.

No. J. 473—*Legis.* 28-10-11, dated 14th August 1912.

The Government of His Highness the Maharaja of Mysore are pleased to issue the following rules in exercise of the powers conferred by Sections 2, 4, 9 and 10 (2) of the Mysore Poisons Regulation, 1910, for the purpose of regulating the possession for sale and the sale of white arsenic and certain other poisons in Mysore with effect from the 1st September 1912.

Rules.

1. For the purposes of these rules—
 - (i) the expression "white arsenic" includes every substance in which there is free arsenious oxide; and
 - (ii) the expressions "sell" and "sale" shall mean, respectively, "sell by retail" and "sale by retail."
2. The following shall be considered to be poisons for the purposes of Section 2 and sub-section (2) of Section 10 of the Mysore Poisons Regulation, 1910, *viz.*—

Aconite, Nux Vomica, Perchloride of Mercury (corrosive sublimate), Cyanide of Potash, Stramonium (*Dathura*), and every preparation and admixture of these drugs, and Chloroform and its preparations used for the purpose of anæsthetising.
3. No person shall—
 - (i) possess white arsenic for sale, or
 - (ii) sell white arsenic or other poisons except under a license granted in this behalf by the District Magistrate.

4. The grant of a license to any applicant shall be at the discretion of the District Magistrate, whose decision shall be final. The license shall be granted for the year ending with the 30th June.

5. A fee of rupee one shall be charged for each license granted under Rule 4 and shall be paid before the grant of such license. The license shall be inscribed on a non-judicial impressed stamp paper of the appropriate value.

6. A license, unless previously withdrawn under Rule 7, shall terminate on the death of the license-holder.

7. The District Magistrate may, for any sufficient cause, revoke or cancel any license granted under Rule 4.

8. A license-holder shall effect every sale of white arsenic or other poison in person.—

9. A license-holder shall not sell any white arsenic or other poison to any person—

- (a) who is not personally known to him or identified to his satisfaction, or
- (b) who appears to him to be under the age of 18 years, or
- (c) who does not appear to him to be in full possession of his faculties, or
- (d) who is a wandering mendicant.

10. A license-holder shall not sell white arsenic or other poison in any quantity exceeding one ounce at any one time to any one person.

11. (i) A license-holder shall maintain a register in which he shall enter all sales of white arsenic or other poison.

(ii) The following particulars shall be entered in respect of each sale, in the register maintained under sub-rule (i) *viz.*—

- (a) serial No.,
- (b) name of poison,
- (c) quantity sold,
- (d) date of sale,
- (e) name of purchaser,
- (f) address of purchaser,
- (g) purpose for which white arsenic or other poison is stated to be required,
- (h) signature of purchaser and his left thumb mark, and
- (i) signature of vendor.

12. A license-holder shall maintain a stock register, which shall contain the following particulars, namely :—

- (a) serial No.,
- (b) date,
- (c) quantity received,
- (d) name and address of person from whom received,
- (e) quantity sold,
- (f) balance in stock, and
- (g) remarks:

13. Any Magistrate, any Police Officer of or above the rank of Sub-Inspector, any Revenue Officer of or above the rank of Deputy Amildar, or any Medical officer of or above the rank of Sub-Assistant Surgeon, may at any time visit and inspect the premises of a license-holder where white arsenic or other poison is kept for sale and may inspect the stock found therein and the registers kept under Rules 11 and 12.

14. (1) White arsenic or other poison shall be kept in securely closed receptacles of glass, tin or earthenware.

(2) All such receptacles shall be kept in a separate locked almirah or box and shall be marked in paint with the name of the poison contained therein.

(3) Every almirah or box and each receptacle within such almirah or box, shall have the word "poison" in English and Kannada painted upon it in red letters.

15. When any white arsenic or other poison is sold, it shall be securely packed in a packet.

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(2). Every packet sold shall be labelled by the vendor with a red label bearing the name of the poison in Kannada and the number and date of the entry in the register of sales.

16. A license-holder shall not sell powdered white arsenic to any person unless the same is, before the sale thereof, mixed with soot, indigo or Prussian blue in the proportion of half an ounce of soot, indigo, or Prussian blue at least to one pound of the white arsenic and so in proportion for any greater or less quantity.

Provided that, where such arsenic is stated by the purchaser to be required for some purpose for which such admixture would, according to the representation of the purchaser, render it unfit, the license-holder may sell such arsenic without such admixture, in a quantity of not less than ten pounds at any one time.

17. These rules shall be in force throughout Mysore in respect of white arsenic, and shall be applicable in respect of other poisons to such Municipalities in the State as may from time to time be notified by Government in the official Gazette.

18. Under sub-section (2) of Section 10 of the Mysore Poisons Regulation, 1910, the Government are further pleased to direct that the provisions of Rules 11 to 16 shall apply in the case of Medical or Veterinary practitioners or chemists or druggists vending poisonous drugs specified in Rule 2.

By Order,

K. R. SRINIVASIENGAR,
*Officiating Secretary to Government, General
and Revenue Departments.*



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BANGALORE, THURSDAY, AUGUST 22, 1912.

PART III.

Legislative Measures and Rules thereunder.

GEOLOGICAL.

NOTIFICATION BY THE GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE.

No. 387, dated Bangalore, 13th August 1912.

The Government of His Highness the Maharaja of Mysore are pleased to direct that for the reporting of accidents under the Rules prescribed under Sections 21 and 37 of the Mysore Mines Regulation, IV of 1906, and published under Notification, Geological, No. 444, dated 22nd August 1911, the following schedule be substituted for that appended to those rules:—

Schedule.

Year.

Accident No.

REPORT OF ACCIDENT. (1)

Name of Mine.....
Date of Accident.....
Time of Accident (5).....
Class of Accident (2).....
Place of Accident (3) (4).....

Names of persons killed	Age	(6) Occupation	Hours worked before acci- dent	Nature of injury causing death and date of death

Names of persons injured	Age	(6) Occupation	Hours worked before acci- dent	Nature of injury

How the accident happened—

Whether the work was being carried on by a contractor or by the Company (or mine-owner)—

Name and certificate number of contractor or—

Name and certificate number of mestri or blaster, and if present—

Name of Foreman or other official in charge of the safety of the part of the mine where the accident happened—

Name and title of Mining Officer in charge of that part of the mine—

Dated—

Superintendent.

EXPLANATIONS.

(1) Notices of all accidents as required by Rules 160, 161, 162 and 165 must be furnished on the accompanying form :—

(2) Insert numbers corresponding to the following classes :—

1. Falls in mine.—Falls of hanging-wall.
2. Falls in mine.—Falls of sides or roof.
3. Falls in mine.—Falls of ore from working places.
4. In and at shafts.—Overwinding.
5. In and at shafts.—Ropes and chains breaking.
6. In and at shafts.—Whilst ascending or descending by machinery.
7. In and at shafts.—Falling into shaft from surface.
8. In and at shafts.—Falling from part way down.
9. In and at shafts.—Things falling from surface.
10. In and at shafts.—Things falling from part way down.
11. In and at shafts.—Miscellaneous.
12. Miscellaneous below ground.—Suffocation by gases.
13. Miscellaneous below ground.—Explosion due to misfire.
14. Miscellaneous below ground.—By explosives (other than misfires).
15. Miscellaneous below ground.—Falls of persons or things in Rises, Winzes and Stopes.

(Winzes and rises are not to be considered shafts for the purpose of this report.)

16. Miscellaneous below ground.—On inclined and engine planes. (Where the inclination of a shaft to the horizontal is not more than 30°, it is to be considered an incline for the purpose of this report.)
17. Miscellaneous below ground.—By trams or tubs, but not on inclined and engine planes.
18. Miscellaneous below ground.—By machinery.
19. Miscellaneous below ground.—By other causes.
20. On surface.—By machinery.
21. On surface.—Bursting of boilers, steam pipes, etc.
22. On surface.—On railways, tramways, or aerial ropeways belonging to mine.
23. On surface.—Miscellaneous.

(3) If, on surface, say so. All accidents on the surface works of the mine must be reported.

(4) If in stope, state which stope, and whether underhand or back stope. Also in what part of the stope.

(5) The twenty-four hours should be used as in railway time-tables.

(6) If the person is a female, the fact should be noted in this column in addition to her occupation.

This report, after being filled in and signed by the Superintendent or other superior officer of the mine at the foot of page 2, should be folded and despatched forthwith.

By Order,
W. F. SMEETH,
Secretary to Government,
Geological Department



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BANGALORE, THURSDAY, AUGUST 29, 1912.

PART III.

Legislative Measures and Rules thereunder.

GEOLOGICAL.

NOTIFICATION BY THE GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE.

No. 387, dated Bangalore, 13th August 1912.

The Government of His Highness the Maharaja of Mysore are pleased to direct that for the reporting of accidents under the Rules prescribed under Sections 21 and 37 of the Mysore Mines Regulation, IV of 1906, and published under Notification, Geological, No. 444, dated 22nd August 1911, the following schedule be substituted for that appended to those rules:—

Schedule.

Year.

Accident No.

REPORT OF ACCIDENT. (1)

Name of Mine.....

Date of Accident.....

Time of Accident (5).....

Class of Accident (2).....

Place of Accident (3) (4).....

Names of persons killed	Age	(6) Occupation	Hours worked before acci- dent	Nature of injury causing death and date of death

Names of persons injured	Age	(6) Occupation	Hours worked before acci- dent	Nature of injury

How the accident happened—

Whether the work was being carried on by a contractor or by the Company (or mine-owner)—

Name and certificate number of contractor or—

Name and certificate number of mestri or blaster, and if present—

Name of Foreman or other official in charge of the safety of the part of the mine where the accident happened—

Name and title of Mining Officer in charge of that part of the mine—

Dated—

Superintendent.

EXPLANATIONS.

(1) Notices of all accidents as required by Rules 160, 161, 162 and 165 must be furnished on the accompanying form :—

(2) Insert numbers corresponding to the following classes :—

1. Falls in mine.—Falls of hanging-wall.
2. Falls in mine.—Falls of sides or roof.
3. Falls in mine.—Falls of ore from working places.
4. In and at shafts.—Overwinding.
5. In and at shafts.—Ropes and chains breaking.
6. In and at shafts.—Whilst ascending or descending by machinery.
7. In and at shafts.—Falling into shaft from surface.
8. In and at shafts.—Falling from part way down.
9. In and at shafts.—Things falling from surface.
10. In and at shafts.—Things falling from part way down.
11. In and at shafts.—Miscellaneous.
12. Miscellaneous below ground.—Suffocation by gases.
13. Miscellaneous below ground.—Explosion due to misfire.
14. Miscellaneous below ground.—By explosives (other than misfires).
15. Miscellaneous below ground.—Falls of persons or things in Rises, Winzes and Stopes.

(Winzes and rises are not to be considered shafts for the purpose of this report.)

16. Miscellaneous below ground.—On inclined and engine planes. (Where the inclination of a shaft to the horizontal is not more than 30°, it is to be considered an incline for the purpose of this report.)
17. Miscellaneous below ground.—By trams or tubs, but not on inclined and engine planes.
18. Miscellaneous below ground.—By machinery.
19. Miscellaneous below ground.—By other causes.
20. On surface.—By machinery.
21. On surface.—Bursting of boilers, steam pipes, etc.
22. On surface.—On railways, tramways, or aerial ropeways belonging to mine.
23. On surface.—Miscellaneous.

(3) If on surface, say so. All accidents on the surface works of the mine must be reported.

(4) If in stope, state which stope, and whether underhand or back stope. Also in what part of the stope.

(5) The twenty-four hours should be used as in railway time-tables.

(6) If the person is a female, the fact should be noted in this column in addition to her occupation.

This report, after being filled in and signed by the Superintendent or other superior officer of the mine at the foot of page 2, should be folded and despatched forthwith.

By Order,
W. F. SMEETH,
Secretary to Government,
Geological Department.



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BANGALORE, THURSDAY, SEPTEMBER 5, 1912.

PART III.

Legislative Measures and Rules thereunder.

GEOLOGICAL.

NOTIFICATION BY THE GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE.

No. 387, dated Bangalore, 13th August 1912.

The Government of His Highness the Maharaja of Mysore are pleased to direct that for the reporting of accidents under the Rules prescribed under Sections 21 and 37 of the Mysore Mines Regulation, IV of 1906, and published under Notification, Geological, No. 444, dated 22nd August 1911, the following schedule be substituted for that appended to those rules :—

Schedule.

Year.

Accident No.

REPORT OF ACCIDENT. (1)

Name of Mine.....
Date of Accident.....
Time of Accident (5).....
Class of Accident (2).....
Place of Accident (3) (4).....

Names of persons killed	Age	(6) Occupation	Hours worked before acci- dent	Nature of injury causing death and date of death

Names of persons injured	Age	(6) Occupation	Hours worked before acci- dent	Nature of injury

How the accident happened—

Whether the work was being carried on by a contractor or by the Company (or mine-owner)—

Name and certificate number of contractor—

Name and certificate number of mestri or blaster, and if present—

Name of Foreman or other official in charge of the safety of the part of the mine where the accident happened—

Name and title of Mining Officer in charge of that part of the mine—

Dated—

Superintendent.

EXPLANATIONS.

(1) Notices of all accidents as required by Rules 160, 161, 162 and 165 must be furnished on the accompanying form :—

(2) Insert numbers corresponding to the following classes :—

1. Falls in mine.—Falls of hanging-wall.
2. Falls in mine.—Falls of sides or roof.
3. Falls in mine.—Falls of ore from working places.
4. In and at shafts.—Overwinding.
5. In and at shafts.—Ropes and chains breaking.
6. In and at shafts.—Whilst ascending or descending by machinery.
7. In and at shafts.—Falling into shaft from surface.
8. In and at shafts.—Falling from part way down.
9. In and at shafts.—Things falling from surface.
10. In and at shafts.—Things falling from part way down.
11. In and at shafts.—Miscellaneous.
12. Miscellaneous below ground.—Suffocation by gases.
13. Miscellaneous below ground.—Explosion due to misfire.
14. Miscellaneous below ground.—By explosives (other than misfires).
15. Miscellaneous below ground.—Falls of persons or things in Rises, Winzes and Stopes.

(Winzes and rises are not to be considered shafts for the purpose of this report.)

16. Miscellaneous below ground.—On inclined and engine planes. (Where the inclination of a shaft to the horizontal is not more than 30°, it is to be considered an incline for the purpose of this report.)
17. Miscellaneous below ground.—By trams or tubs, but not on inclined and engine planes.
18. Miscellaneous below ground.—By machinery.
19. Miscellaneous below ground.—By other causes.
20. On surface.—By machinery.
21. On surface.—Bursting of boilers, steam pipes, etc.
22. On surface.—On railways, tramways, or aerial ropeways belonging to mine.
23. On surface.—Miscellaneous.

(3) If on surface, say so. All accidents on the surface works of the mine must be reported.

(4) If in stope, state which stope, and whether underhand or back stope. Also in what part of the stope.

(5) The twenty-four hours should be used as in railway time-tables.

(6) If the person is a female, the fact should be noted in this column in addition to her occupation.

This report, after being filled in and signed by the Superintendent or other superior officer of the mine at the foot of page 2, should be folded and despatched forthwith.

No. 642, dated 31st August 1912.

The following alterations will be made in the Schedule prescribed under Notification (Geological) No. 387, dated 13th August 1912, for the reporting of accidents under the rules under the Mysore Mines Regulation of 1906:—

- (1) The items of information to be furnished as noted below the tabular statement and above the signature of the Superintendent will be lettered as follows:—
(a), (b), (c), (d), (e) and (f).
- (2) In item (d) as lettered above, a comma will be inserted after "Mestri" and the word "or" omitted and after the word "blaster" the following will be added:—
"Engine driver or workman in charge."
- (3) In item (f), alter the word "title" to "designation."
- (4) In explanation No. (1) appended to the Schedule, alter the word "accompanying" to "above."
- (5) In the last line of the "Explanations", after the word "forthwith" add "to the Inspector of Mines in Mysore, Ooregum Post Office."

By Order,
W. F. SMEETH,
Secretary to Government,
Geological Department.



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[No. 37.

BANGALORE, THURSDAY, SEPTEMBER 12, 1912.

PART III.

Legislative Measures and Rules thereunder.

GEOLOGICAL.

NOTIFICATION BY THE GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE.

No. 642, dated 31st August 1912.

The following alterations will be made in the Schedule prescribed under Notification (Geological) No. 387, dated 13th August 1912, for the reporting of accidents under the rules under the Mysore Mines Regulation of 1906:—

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- (2) In item (d) as lettered above, a comma will be inserted after ‘Mestri’ and the word ‘or’ omitted and after the word “blaster” the following will be added:—
“Engine driver or workman in charge.”
- (3) In item (f), alter the word “title” to “designation.”
- (4) In explanation No. (1) appended to the Schedule, alter the word “accompanying” to “above.”
- (5) In the last line of the “Explanations,” after the word “forthwith” add “to the Inspector of Mines in Mysore, Ooregum Post Office.”

By Order,
W. F. SMEETH,
Secretary to Government,
Geological Department.

NOTIFICATION.

No. 3—L. C., dated Bangalore, 7th September 1912.

Under Rule 32 of the Rules for the conduct of business of the Mysore Legislative Council; the following Bill, to consolidate and amend the law relating to Muzrai Institutions in Mysore and to provide for certain remedies in respect of religious and charitable endowments, is published for general information with a statement of objects and reasons.

By Order,

S. HIRIYANNAIYA,

Secretary, Mysore Legislative Council.

The Mysore Muzrai Bill.

Whereas it is expedient to consolidate and amend the law relating to Muzrai Institutions in Mysore and to provide for certain remedies in respect of religious and charitable endowments; His Highness the Maharaja is pleased to enact as follows:—

1. (1) This Regulation shall be called the Mysore Muzrai Regulation; and shall come into force from Short title and extent.

(2) It extends to the whole of Mysore.

2. (1) ‘Muzrai Institution’ shall mean and Definitions include,—

(i) every temple, mosque, or other place of worship or religious service, any Chatra, or house of feeding or rest for travellers without charge, or other institution of a religious and charitable nature, which is now actually in the sole charge of Government, or for the support of which any annual grant in perpetuity is made from the public revenues, or an inam has been granted and is recognized and registered at the inam settlement as a *devadaya* grant;

(ii) every institution of a religious or charitable nature which, under the provisions of this Regulation, has been taken under the sole management of Government, so long as it remains under such management.

(2) ‘Muzrai Officer’ shall mean the Deputy Commissioner of the district in which the whole or any part of the property of a religious or charitable institution shall be situated; and an Assistant Commissioner to whom the power of disposing of any question or class of questions connected with such institutions shall have been delegated in writing by the Deputy Commissioner.

3. Government may undertake the management of a religious or charitable trust, (1) at the option of the creator of the trust,

Management of a religious or charitable institution by Government provided he has reserved no interest of a residuary or beneficial nature for himself; (2) when the trustees provided by the instrument of trust or actually in

charge of the institution all expire or disclaim; (3) when there is a breach of trust, or gross and persistent mismanagement or misapplication of the trust property; (4) when the trustees, or surviving trustees, or the person or all the persons in actual possession and management of the institution voluntarily transfer the management; or (5) when the sole beneficiary or all the surviving beneficiaries voluntarily agree to transfer possession and management.

4. Whenever a dispute arises whether any charitable or religious trust has been actually constituted in respect of any institution,

Reference by the Muzrai Officer to District Judge in cases of dispute. endowment or property, the Muzrai Officer may make a reference to the Court of the District Judge in whose jurisdiction the greater part of the institution or property is situated.

5. The letter of reference shall be registered and disposed of as a suit between the Muzrai Officer as plaintiff and the parties in possession of the property or opposing the contention of the Muzrai Officer as defendants.

6. Instead of himself making the reference, the Muzrai Officer may authorise Authorisation of persons to file any one or more persons to file a suit under the a suit under Section 92 of the provisions of Section 92 of the Code of Civil Procedure. C. P. C.

7. In disposing of suits and references under the foregoing sections, the Court Award and apportionment of shall have full power to apportion and award costs either against the parties or against the estate in dispute; Provided that no Court Fees shall be charged in respect of proceedings following on a reference under Section 4.

8. When it is brought to the notice of the Muzrai Officer that the property Enquiry regarding mismanagement of a religious or charitable institution dedicated for the benefit of the public or a defined section of the public is being grossly and persistently mismanaged, he may institute an enquiry into the truth of the allegations against the persons in possession and management of the property or the institution.

9. If the allegations of gross and persistent mismanagement of the institution Order by Muzrai Officer in such cases. or of any property pertaining thereto, or of any misapplication or misappropriation of any part of the property, or any breach of trust in respect thereof are proved; the Muzrai Officer may order,

- (1) that the institution may be taken under the management of Government;
- (2) that property which has been mismanaged or misappropriated may be delivered back either to the institution or to the possession of Government for the institution;
- (3) that security may be given for the proper performance of the trust or management of the property;
- (4) may frame a scheme for the proper management of the institution or management of its property and the application thereof; and
- (5) pass such other ancillary or necessary orders as the case may require in accordance with justice and equity.

10. Where property belonging to a religious or charitable institution has been alienation of property belonging to a religious or charitable institution. wrongfully alienated by way of sale, barter, mortgage, lease or otherwise within three years before the dispute, the Muzrai Officer may, after giving notice to the alienee and holding a summary enquiry (in accordance with the provisions of the Mysore Land Revenue Code) direct that possession be restored to the institution or that Government assume possession thereof on behalf of the institution.

11. Where the whole or part of the objects of a charitable or religious trust Failure of the object of trust. has failed, the Muzrai Officer may, subject to such general rules or special orders as Government may have issued, after notification in the official Gazette and hearing such parties as may appear in an enquiry, pass an order directing that the property or the proceeds thereof in respect of which the object has failed, may be utilized for some object of a similar nature, and may frame a scheme for administration thereof.

12. Any person against whom an order has been passed under Sections 9 and 10 directing dispossession of recovery of possession Suit by a person aggrieved by an order passed under Sections 9, 10 and 11. of property or any person who is aggrieved by an order of the Muzrai Officer passed under Section 11 may within six months file a suit in the Court of the District Judge in whose jurisdiction the greater part of the property is situate, for cancellation of such order making the Muzrai Officer one of the defendants.

If no such suit has been filed or if it has been dismissed by the Court, the Muzrai Officer may after the lapse of six months from the date of his original order execute his order and may exercise for that purpose all the powers of a Civil Court in executing decrees;

6 months
from

Provided that in cases in which the property to be disposed of under Section 11 exceeds three thousand rupees in value or the annual income thereof is more than Rs. 300 in value, the sanction of Government shall have been obtained for the order.

13. Government shall have power to make rules directing that persons in charge of charitable or religious institutions shall

Maintenance of accounts by persons in charge of religious or charitable institutions. keep regular accounts of income and expenditure, and submit such returns, and supply such information as may be required in accordance with such rules, and may by said rules prescribe a penalty not exceeding one hundred rupees for any infraction thereof.

14. Where any inam granted by Government for the upkeep of any religious or charitable institution is wrongfully alienated or

Wrongful alienation of inams granted for the upkeep of religious or charitable institutions. has passed to the possession of a third party in any manner, and the proceeds thereof have been diverted from the purpose for which it had been granted, the

Muzrai Officer may direct that the property may be resumed and retransferred to the institution for whose benefit the inam was intended, or cancel the inam tenure and impose the full assessment due to Government under the provisions of the Land Revenue Code or cancel the tenure and direct the assessment recovered to be handed over for the benefit of the original institution;

Provided that no person who has had adverse possession of a property for a period of 12 years shall be deprived of such possession.

15. Government may appoint Dharmadarsis to manage the affairs of charit-

Appointment of Dharmadarsis. able and religious institutions for such term and with such powers as may be prescribed and may frame rules for the conduct of business among them.

16. Government may invest Dharmadarsis with the powers, functions and

Investment of Dharmadarsis with the powers of a corporate person, including power to hold and dispose of property and to sue and be sued.

17. Government may also appoint a Committee of persons chosen by election or otherwise with such powers of management and

Appointment of Committees with powers of management. supervision as may be prescribed by rules, over one or more religious or charitable institutions.

18. It shall be lawful for any trustee or person or persons having the man-

Investment of trust money. agement or control of any religious or charitable institution under Sections 15, 16 or 17 or for Government when it manages such an institution, to invest money belonging to the institution and not required for immediate use in any of the following securities, viz.:—

(a) In Promissory Notes, debentures, stock or other securities of the Government of India;

(b) In stock or debentures of, or shares in, Railway or other Companies the interest on which shall have been guaranteed by the Government of Mysore;

(c) On a first mortgage of immovable property situate in Mysore; provided that the property is not a lease-hold for a term of years and that the value of the property exceeds by one-half, or if it consists of buildings, exceeds by three-fourths, the mortgage money; or

(d) On any other security expressly authorised by the Instrument of Trust.

19. Arrears of rent or revenue due from tenants in respect of property belong-

Recovery of arrears of rent or revenue due to a Muzrai institution. ing to a Muzrai institution may be recovered by the officers empowered to recover revenue due to Government in the same manner as arrears of land revenue due to Government.

20. When the property of any religious or charitable institution is situated

Procedure when property is situated in more districts than one. in more districts than one, the Deputy Commissioner in whose district the institution itself is situated, or with his consent, any other Deputy Commissioner in

whose district any part of the property is situated, may exercise all the powers conferred by this Regulation as regards the whole of the property; provided that, in cases of doubt, Government may direct any one of the Deputy Commissioners having jurisdiction to take cognisance of the whole matter.

21. Every order passed by a Muzrai Officer which is not liable to be set aside by a suit filed under any of the provisions of this Regulation shall be subject to an appeal to Government in the same manner and subject to the same

Appeals from orders of a Muzrai Officer and revision. limitations as appeals lying to Government in cases under the Land Revenue Code and every decree or order passed by a Muzrai Officer may be similarly revised by Government.

22. Any order passed under this Regulation or the rules framed thereunder by a Muzrai Officer or the Muzrai Department of Government shall not bar a suit under the provisions of Section 92 of the Code of Civil Procedure.

23. The foregoing provisions shall not apply to Mathas or the property belonging to Mathas which are in the possession of Mathadipathis entitled by law or general or particular usage to exercise powers of management or ownership.

Exemption of Mathas from the operation of the foregoing provisions. 24. Government may take over the management and possession of the property of any Matha or other institution of a similar nature (1) when the Mathadipathi voluntarily applies for such help and places the institution or its property under the management of Government; (2) when the Mathadipathi is dead or has left the country and has not been heard of for more than seven years, and has not made legal and satisfactory arrangement for the carrying on of the ordinary business of the institution, and there is no successor duly appointed according to the rules applicable to succession to the office; (3) when the Mathadipathi is a minor without a legally appointed guardian, fit and willing to act as such or is for other reasons unable to manage its affairs; or (4) when it is proved that the Mathadipathi has been grossly mismanaging the property or habitually alienating the greater bulk of it for enriching his bodily relations or for other improper purposes; or that he is habitually neglectful of and grossly indifferent to, the duties and responsibilities of his *Asrama*.

25. Whenever a complaint is made by at least half the number of house-holders or in cases in which the Matha has a large following, by at least a hundred house-holders subject to its jurisdiction as disciples, of any mismanagement or neglect referred to in the last clause of the previous section, Government may order an enquiry to be held.

Enquiry into allegations of mis-management of a Matha. 26. In the case of such institutions as are classed as major Mathas by Government, the enquiry shall be before a Committee of not less than three members appointed by Government and, in other cases, by the Deputy Commissioner.

Authority before whom the enquiry is to be held. 27. When the decision of the Committee appointed or of the Deputy Commissioner has been approved by Government, it may be carried out by the Deputy Commissioner of the District in which the institution or the greater part of the property is situated.

Appointment of Mathadipathi by Government. 28. Where any Matha or other similar institution has come under the management of Government, Government may take such steps as are in accordance with law or usage (1) to appoint a proper Mathadipathi and (2) to fulfil the indispensable functions of the institution till a proper Mathadipathi is nominated in accordance with usage.

Powers of Government in regard to management of a Matha. 29. When property of a Matha has for any reason come into the possession of Government under the provisions of this Regulation, Government may exercise all the powers of management and disposal possessed by a duly appointed

Mathadipathi in possession; and may make and carry out a scheme either directly by Officers appointed or by a Committee constituted for the purpose.

30. Government shall also have full power to dispose of the income of the institution as long as it is under its management Disposal of income of Matha. (after making due provision for the maintenance of the Mathadipathi, for carrying on Puja services in temples and other places of worship appertaining to the institution in a reasonable manner) on objects of charity or for the spread and encouragement of religious instruction according to the tenets of the said Matha.

31. When there is a dispute about the office of a Pujari or other servant of a Muzrai institution which by law or usage descends by hereditary right, the Amildar of the Taluk in which the institution is situated shall hold an enquiry in the presence of the parties interested and record statements and evidence relevant to the case.

32. The Deputy Commissioner or an Assistant Commissioner to whom the record may be referred by the Deputy Commissioner shall, after reading the record of enquiry by the Amildar and hearing the parties interested, pass a decision on the merits of the case.

33. In the absence of proof to the contrary, no temple office or service in a Muzrai institution shall be deemed to descend by hereditary right unless it has been conferred originally with such an express stipulation in writing by a person with due authority or has been held successively by three generations of the same family in succession in due legal course.

34. Where there is no claimant entitled to succeed to the office of a Pujari or other office in a Muzrai institution, the appointment shall be made by the Deputy Commissioner in cases of temples under the direct management of the Muzrai Department, or in cases of other temples by the devotees of the temple living in its vicinity under such rules as may from time to time be made by Government.

35. Where a majority of not less than three-fourths of the inhabitants of a village or other unit, being Bhaktas of a temple, object to the claim by hereditary right of a person to the office of Pujari of the temple, such person shall be set aside either for life or altogether, provided that the objectors pay to the claimant such amount by way of compensation as may be fixed by the Muzrai Officer.

36. The enquiry referred to in Sections 8, 11, 25 and 26 shall be conducted in the manner prescribed for a formal enquiry under the Mysore Land Revenue Code, after issue of notices to the parties interested and the Muzrai Officer or other person or persons holding the enquiry shall have all the powers of a Revenue Officer empowered to conduct such formal enquiry.

37. In all matters in which a Muzrai Officer or the Muzrai Department of Government has power to pass any order or to take any action, Civil Courts shall exercise jurisdiction only to the extent allowed by this Regulation.

Bar of jurisdiction of Civil Courts in cases falling under the Regulation.

STATEMENT OF OBJECTS AND REASONS.

The question of devising means for the better management of religious and charitable institutions in the State has been engaging the attention of Government for some time past. The State Muzrai Department has under its control all institutions which enjoy an endowment in any form from the Government. But there are besides, numerous institutions which have sprung up as the result of private charity but over which Government cannot at present exercise any powers of control. Nor is it quite desirable that institutions of this kind should come under Government management, provided the donors or their representatives or other persons responsible for their management administer them efficiently. But where owing to the death of the donors or other causes, the institutions are not properly managed and the funds of the charity are not appropriated for the objects which the creators of the charitable trust had at heart, it is desirable that the Government on behalf of the public who are beneficially interested in the charity should intervene and assume control in order that the intentions of the donor may be carried out as nearly as practicable.

The provisions contained in Section 92 of the Civil Procedure Code in regard to suits relating to public charities are generally admitted to be inadequate, and representations for some kind of legislative action have been frequently made at the Representative Assembly. Government agree in the view that if the endowments made by private individuals for the establishment and upkeep of religious and charitable organisations are to be preserved for the benefit of the public, measures should be adopted to prevent the misapplication of trust property and the misappropriation of its funds. With this object the present bill has been prepared.

It comprises within its scope provisions relating to three classes of institutions of a religious or charitable character, viz.—

- (1) Institutions already under the State Muzrai Department such as temples, chatras, etc.
- (2) Religious or charitable institutions founded and maintained exclusively by private charity, and
- (3) Mathas.

In respect of the institutions referred to in the first of the above classes, the Bill besides incorporating certain rules which now regulate the conduct of the Muzrai Department in the management of the institution in its charge, makes provision for certain new matters such as the constitution of Committees by election or otherwise for supervising the affairs of an institution and the settlement of the mode of succession to the office of pujari of a temple where the office is claimed by hereditary right. Facilities for the more efficient management of the properties belonging to the institutions are also proposed to be created.

In regard to institutions established solely by private charity the Bill confers on Government the power of intervening and assuming the management of such institutions where it is proved that the funds of the charity are being grossly mismanaged or misapplied or in certain other similar circumstances. The institutions are then to be managed as State Muzrai institutions. Government is also given power to intervene in the case of failure of the object of a trust and direct that the funds be appropriated towards some other charitable object of a similar nature.

In respect of both classes of institutions referred to above, power is proposed to be taken for the prevention of fraudulent alienation of trust property and for the recovery of certain arrears, such as rent of immoveable property, as if they were arrears of land revenue.

The powers of Government are to be exercised through a Muzrai Officer who shall ordinarily be the Deputy Commissioner of the district. Persons aggrieved by an order of this officer may in certain cases contest their validity by a suit in a Civil Court and in all other cases the Muzrai Officer's action is subject to appeal and revision just like orders passed by a Revenue Officer under the Land Revenue Code. Civil Courts shall exercise jurisdiction in these matters only to the extent allowed by the Bill.

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The third class of cases refers to Hindu Mathas. It is well known that though these institutions are of the nature of public trusts, their duly elected heads for the time being, have always enjoyed much larger powers than mere trustees. It is therefore considered unnecessary to provide that Government should have the same powers of interference in their affairs as in those of temples and other similar institutions. Instances, however, have come under the notice of Government, where the affairs of such institutions have been grossly and persistently mismanaged and the heads of the institutions have conducted themselves in a manner repugnant to the sentiments of the disciples. It is therefore proposed to take power in the Bill on behalf of Government to assume the management of the properties belonging to such institutions and to provide for the conduct, in accordance with usage, of the puja and other services and to dispose of the balance of the income, if any, on objects of charity or for the spread and encouragement of religious instruction according to the tenets of the Matha.

Instead of itself managing the affairs of a Matha Government may after framing a scheme delegate the function of carrying it out to a Committee constituted for the purpose.

In certain cases Government may also take steps for the appointment of a Mathadhipati in accordance with existing usage. Government hope that the occasions for interference on their part in regard to the management of this class of institutions will always be exceptional.

NOTES ON CLAUSES.

Clause 2.—The definition of "Muzrai Institution" given here is what has been generally adopted in the Muzrai Department of Government, with the addition to it of other institutions taken over under Government management.

Clauses 4 and 8.—Clause 4 refers to cases in which it has to be settled whether a public trust has actually been constituted, and clause 8 to cases in which the constitution of the trust is not disputed but gross and persistent mismanagement is alleged.

Clause 5.—When such references are disposed of as suits in a Civil Court, the decisions become subject to appeal and revision under the provisions of the Civil Courts Regulation and the Code of Civil Procedure.

Clause 7.—This provision would enable a Court to award costs at discretion even against the Muzrai Officer.

Clause 9.—Gives very wide powers to a Muzrai Officer similar to those which a Civil Court under rules of equitable jurisdiction and otherwise may now exercise.

Clause 10.—Refers to any property of such institutions, whereas clause 14 refers to inams granted by Government. The latter provisions enact the rule at present in force, except that 12 years is given as the limit for dispossession. The power of Government to assess such inam lands fully under the Inam rules is left in tact, as it is not a Muzrai matter. It is a question whether even for dispossession, a longer period than 12 years (30 or 60 years) should not be prescribed.

Clause 15.—There are rules in force about the appointment and functions of dharmadarsis, but it is considered expedient to give them recognition in the Regulation.

Clause 17.—Would enable Government, if need be, to constitute district or taluk committees to supervise such institutions.

Clause 18.—Provides a general rule for investment of money belonging to these institutions and is similar to rules recognised in enactments, etc., dealing with the administration of trust properties.

Clause 19.—Creates a power which has often been felt to be a *desideratum* in respect of property under the management of Government. This would be applicable to cases in which such management has also been entrusted to dharmadarsis appointed by Government.

Clauses 23-30.—Refer to Mathas and other similar institutions.

Clause 24.—Defines the circumstances in which Government may interfere in respect of management of a Matha and clause 25 somewhat strictly defines cases in which alone an enquiry may be initiated concerning its affairs.

Clauses 28, 29 and 30.—Define the powers of Government when it has intervened to assume management of the affairs of such institutions.

Clauses 31 to 35.—Deal with disputes about pujari and other offices, which, under an old rule recognized as having the force of law, are excluded from the jurisdiction of Civil Courts. Clauses 31 and 32 are rules to regulate procedure, which at present is not uniform. What offices descend by hereditary right are left to be decided by usage, but clause 33 supplies a rule where (as in many cases) no satisfactory proof of usage can be adduced.

Clause 34.—Allows Government to empower persons interested in temples to elect the office bearers.

Clause 35.—Introduces a somewhat novel rule and empowers devotees of temples to set aside hereditary claims by paying compensation. The justification for such compulsory acquisition lies in the fact that temples are primarily meant to serve as places of worship and would become useless if the pujari or the chief officiating priest ceases to have the respect and confidence of the majority of devotees.

Clause 36.—Applies the Land Revenue Code and Rules to enquiries held under the Regulation and

Clause 37.—Limits the jurisdiction of Civil Courts in matters dealt with in the Regulation.



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BANGALORE, THURSDAY, SEPTEMBER 19, 1912.

PART III.

Legislative Measures and Rules thereunder.

NOTIFICATION.

No. 4, dated 17th September 1912.

(ERRATUM.)

In Notification No. 3—L. C., dated 7th September 1912, publishing for general information the Mysore Muzrai Bill in Part III of the *Mysore Gazette* dated 12th September 1912—

In line 2 of the heading “clause 15” on page 70, omit the word “in” occurring between the words “considered” and “expedient.”

By Order,

S. HIRIYANNAIYA,
Secretary, Mysore Legislative Council.



The Mysore Gazette.

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[No. 40.

BANGALORE, THURSDAY, OCTOBER 3, 1912.

PART III.

Legislative Measures and Rules thereunder.

NOTIFICATION.

No. J. 1008—Legis. 39-11-6, dated 1st October 1912.

In exercise of the powers conferred by the Mysore Game and Fish Preservation Regulation, 1901, the Government of His Highness the Maharaja of Mysore are pleased to direct that Rule 3 of the Rules published with Notification No. 9007—Legis. 56, dated 11th December 1901, as amended by Notification No. J. 288—Legis. 34-10-4, dated 19th July 1911, be further amended as follows:—

In para (2) of the Rule:—

In the first sentence

- (a) between the words "granted" and "not" the words "not more than two male bison and" shall be added.
- (b) The word "in all" occurring between the words "bucks" and "with" shall be omitted and the same words will be inserted between the words "shoot" and "within," and

In the second sentence between the words "bucks" and "shot" the words "and of male bison" shall be added.

Rule 3 as now amended will read as follows:—

"Rule 3—(1) The killing or capture of birds with bright colored plumage of pea-fowl and (except as provided in para 2 of this rule) of antelope is prohibited for a further period ending with the 15th June 1914.*

The killing or capture of male bison is prohibited for a period of five years commencing from the date of the issue of this notification.

(2) The District Magistrate may, on the application of the holder of a game licence under these rules, grant written permission to such holder to shoot, in all, within the year for which the license was granted, not more than two male bison, and not more than two bucks with horns not less than 15 inches in the case of black buck and not less than 5 inches in the case of Chinkarra. A report of all bucks and of male bison shot shall be furnished to the District Magistrate by the license-holder without unreasonable delay.

By Order,

K. R. SRINIVASIENGAR,
Officiating Secretary to Government, General
and Revenue Departments.

* Notification No. J. 288—Legis. 34-10-4, dated 19th July 1911.



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BANGALORE, THURSDAY, OCTOBER 10, 1912.

PART III.

Legislative Measures and Rules thereunder.

NOTIFICATION.

No. J. 1063—Legis. 39-11-7, dated 8th October 1912.

ERRATUM.

In Notification No. J. 1008—Legis. 39-11-6, dated 1st October 1912, further amending the rules under the Game and Fish Preservation Regulation and published in Part III of the *Mysore Gazette*, dated 3rd October 1912, the following corrections shall be made:—

“The asterisk placed above ‘1914’ in the third line of para (1) of amended rule 3 shall be omitted and placed above the word ‘Notification’ in the fifth line thereof.”

By Order,

K. R. SRINIVASLENGAR,
Officiating Secretary to Government, General
and Revenue Departments.



The Mysore Gazette.

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BANGALORE, THURSDAY, NOVEMBER 7, 1912.

PART III.

Legislative Measures and Rules thereunder.

NOTIFICATION.

No. J. 1275—Police 219-10-15, dated 5th November 1912.

In exercise of the powers conferred by Section 12 of the Mysore Arms Regulation, 1890, the Government of His Highness the Maharaja are pleased to direct that the following be substituted for Rule 15 and Rule 23 of the rules published with Notification No. J. 1782—Police Mis. 65, dated the 26th December 1905:—

Rule 15.—Licenses to possess arms and ammunition in reasonable quantities and to go armed for purposes of sport, of protection, or of display, may be granted by the Magistrate of the district or by the Magistrate of a sub-division of the district in Form IV. Such a license shall be liable to a fee of four annas for each weapon and shall be granted for one year at a time. The Magistrate of the district, may, however, for reasons to be placed on record, issue, on payment of the requisite fees in a lump sum, such licenses for periods not exceeding three years at a time to persons of known good conduct and respectability. A license granted under this rule will authorize the holder to carry the arms described in it on occasions when they may be reasonably required for the purposes named in the license. But the holder unless specially authorized by the Magistrate must not go armed in railway carriages, or to fairs, religious processions, or other public assemblies. Licenses granted under this rule, shall, on countersignature by the Secretary to Government in the General Department or other Officer authorized in this regard by the Government, be valid for such districts as may be specified by the countersigning officer.

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Rule 23.—All licenses under Rule 13 shall expire on the 31st December of the year for which they may be issued. Licenses under Rule 15 shall expire on the 31st December of the year or of the last year of the period as the case may be, for which they may be issued; and license under Rule 18 shall expire on the 31st December of the 5th year of their currency. But the currency of a license may be renewed, previous to its expiration and on payment of a second fee, by the same authority that granted it; and a license under Rule 15 may be renewed by the Magistrate of the taluk for one year at a time when not more than five years have elapsed since the issue or last renewal of the license by the Magistrate of the district or of the sub-division of the district as the case may be;

Provided always that, where a renewal of license is applied for as aforesaid, the period of its currency shall, whether the application is eventually granted or refused, be deemed to include the interval during which the application was pending disposal.

2. The following shall be substituted for condition 8 attached to license Form IV:—

This license expires on the 31st December of the year or of the last year of the period, as the case may be, for which it is issued. The license-holder can have it renewed by filing an application for its renewal on stamped paper of the prescribed value.

By Order,

K. R. SRINIVASIENGAR,

Officiating Secretary to Government, General
and Revenue Departments.

NOTICE TO THE PUBLIC OF THE EXPIRATION OF LICENSES



The Mysore Gazette.

Vol. 47.]

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[No. 46.

BANGALORE, THURSDAY, NOVEMBER 21, 1912.

PART III.

Legislative Measures and Rules thereunder.

NOTIFICATION.

No. J. 1312—Police 219-10-16, dated 15th November 1912.

ERRATUM.

In line 4, Rule 23 of Notification No. J. 1275—Police 219-10-15, dated the 5th November 1912, published in Part III of the *Mysore Gazette* dated the 7th November 1912, substitute the word "licenses" for the word "license."

By Order,
 K. R. SRINIVASIENGAR,
 Officiating Secretary to Government,
 General and Revenue Departments.